

FEDERAL REGISTER

THE NATIONAL ARCHIVES
 LITTERA SCRIPTA MANET
 OF THE UNITED STATES
 1934

VOLUME 8 NUMBER 110

Washington, Friday, June 4, 1943

Regulations

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Orders, Serial 2279]

PART 202—ACCOUNTS, RECORDS AND REPORTS

UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS, AMENDMENT TO FORM

Adopted by the Civil Aeronautics Board at its offices in Washington, D. C., on the 26th day of May 1943.

The Board acting pursuant to the Civil Aeronautics Act of 1933, as amended, particularly sections 205 (a) and 407 (a) thereof, and finding its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder;

It is ordered, That the form of Monthly Report of War Contract Operations for Domestic Air Carriers, CAB Form 2780-W, be and the same is amended as set forth in Amendment No. 1 attached hereto.¹

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Secretary.

[F. R. Doc. 43-9005; Filed, June 3, 1943; 10:43 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4749]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ASSOCIATED DISTRIBUTORS, INC.

§ 3.6 (j10) Advertising falsely or misleadingly—History of product or of

¹ Form filed with the Division of the Federal Register.

fering: § 3.6 (m10) Advertising falsely or misleadingly—Manufacture or preparation: § 3.6 (t) Advertising falsely or misleadingly—Qualities or properties of product or service: § 3.6 (x) Advertising falsely or misleadingly—Results: § 3.6 (cc) Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported: § 3.96 (a) Using misleading name—Goods—Source or origin—Domestic product as imported. In connection with offer, etc., in commerce, of respondents' "Chen Yu Nail Lacquer" cosmetic, or any other similar preparation, (1) representing, directly or by implication, that respondents' preparation is incapable of chipping or flaking, or that said preparation effectively resists cracking or peeling under all conditions of use; (2) using Chinese letters or symbols, or any simulation thereof, or any picturization of Chinese art or objects, in connection with the designation or description of respondents' preparation; or (3) representing, directly or by implication, that respondents' preparation is manufactured in or imported from China or any other foreign country, or that the formula from which said preparation is compounded is of Chinese or other foreign origin; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Associated Distributors, Inc., et al., Docket 4749, May 18, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of May, A. D. 1943.

In the Matter of Associated Distributors, Distributors Inc., a Corporation, J. L. Younghusband, Paul Rowatt, and Howard A. Younghusband, Individuals, Trading as Associated Distributors

This proceeding having been heard by the Federal Trade Commission upon the

(Continued on next page)

CONTENTS

REGULATIONS AND NOTICES

BITUMINOUS COAL DIVISION:	Page
Hearings, etc.:	
Baker-Whildin Coal Co., et al.	7458
Deer Creek Coal Co.	7458
Wisecarver, J. H.	7459
CIVIL AERONAUTICS BOARD:	
Domestic air carriers, uniform system of accounts; form amended.	7411
FARM SECURITY ADMINISTRATION:	
Franklin County, Texas, designation of localities for tenant purchase loans.	7459
Revision of regulations in Title 6, Chapter III.	7413
FEDERAL COMMUNICATIONS COMMISSION:	
United States Government telegram rates, hearing postponed.	7459
FEDERAL POWER COMMISSION:	
Kansas-Nebraska Natural Gas Co., Inc.	7459
FEDERAL TRADE COMMISSION:	
Associated Distributors, Inc., cease and desist order.	7411
GENERAL LAND OFFICE:	
Alaskan district land offices, adjustments occasioned by reorganization.	7458
Branch of Field Examination, adjustments resulting from establishment.	7458
Prefatory note, amendment.	7458
OFFICE OF PRICE ADMINISTRATION:	
Adjustments, exceptions, etc.:	
Apger, Paul G.	7447
Hedger, W. E., Transportation Corp.	7447
Huston, Culver, & Co., Inc.	7448
Ice box manufacturers.	7460
Jardine Mining Co.	7447
Wirebound boxes manufacturers.	7459
Eggs and egg products (MPR, 333, Am. 8).	7457

(Continued on next page)



Published daily, except Sundays, Mondays, and days following legal holidays, by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1.50 per month or \$15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.		Page
Food rationing, institutional users (Gen. RO 5, Am. 25).....		7453
Gasoline rationing (RO 5C, Am. 53).....		7455
Hawaii, liquor drinks (MPR 373, Am. 4).....		7457
Ice boxes, new (MPR 399).....		7448
Meat, fats, fish and cheeses; rationing:		
(RO 16, Am. 34).....		7455
(RO 16, Supp. 1, Am. 7).....		7456
Puerto Rico, meat (MPR 183, Am. 38).....		7456
Virgin Islands, gasoline rationing (Gasoline Rationing Emer. Order 3).....		7455
War Ration Book 3 (Gen. RO 12).....		7453
SELECTIVE SERVICE SYSTEM:		
Forms:		
Changes in occupational deferments of Federal Government employees, addition.....		7439
Minute book, revision.....		7439
SOLID FUELS ADMINISTRATION FOR WAR:		
Coal supply, distribution.....		7412
TREASURY DEPARTMENT:		
Foreign property held by persons under U. S. jurisdiction, reporting requirements.....		7438

CONTENTS—Continued

WAR PRODUCTION BOARD:		Page
Canning and processing plants:		
Dairy products or eggs (P-118).....		7443
Fruits, vegetables, fish (P-115).....		7443
Communications:		
(U-3, Int. 1).....		7447
(U-4, Int. 1).....		7447
Lamps, incandescent, fluorescent, etc. (L-28).....		7441
Rectifier tubes (L-264).....		7446
Rubber, balata, etc. (M-15-b, Am. 3).....		7441
Shoe rationing, delegation of authority (Supp. Dir. 1-T).....		7440
Stop construction orders.....		7460
Suspension orders:		
Anderson's, Inc., revocation.....		7440
Atlantic Co.....		7440
National Shawmut Bank of Boston.....		7440
Simon, B., Hardware Co., stay of execution.....		7440
Tools, portable, etc.; rotary files and burs (L-216, Sch. IV).....		7444

amended complaint of the Commission, the answer thereto, and a stipulation as to the facts entered into between the respondents and Richard P. Whiteley, Assistant Chief Counsel for the Commission; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents, Associated Distributors, Inc., a corporation, its officers, and J. L. Younghusband, Paul Rowatt, and Howard A. Younghusband, individually and trading as Associated Distributors, or trading under any other name, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' cosmetic preparation designated "Chen Yu Nail Lacquer," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents' preparation is incapable of chipping or flaking, or that said preparation effectively resists cracking or peeling under all conditions of use.
2. Using Chinese letters or symbols, or any simulation thereof, or any picturization of Chinese art or objects, in connection with the designation or description of respondents' preparation.
3. Representing, directly or by implication, that respondents' preparation is manufactured in or imported from China

or any other foreign country, or that the formula from which preparation is compounded is of Chinese or other foreign origin.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 43-9011; Filed, June 3, 1943; 11:16 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

DISTRIBUTION OF COAL SUPPLY

Pursuant to the provisions contained in §§ 3247.1 (e) and 3256.1 (e) of War Production Board Orders Nos. M-316¹ and M-318,² respectively, in order to assure the most efficient distribution of the supply of coal in the interest of the war and essential civilian production, I hereby direct and order:

1. That § 3247.1 (d) (1) of Order No. M-316 and § 3256.1 (d) (1) of Order No. M-318 are severally amended to read as follows:

(1) Coal specifically consigned for export.

2. That § 3247.1 (d) of Order No. M-316 and § 3256.1 (d) of Order No. M-318 are further severally amended by the addition of the following subparagraph:

(7) Coal loaded in cars at the mine tipples on and after May 31, 1943, in the case of any mine which has not suspended operations or which has resumed operations since May 31, 1943: *Provided,* That the billing covering such cars will carry a reference to this amendment as authority that such cars of coal are exempt from the provisions of this order.

3. That my directive and order of May 3, 1943 (8 F.R. 5801), suspending the provisions of the aforementioned War Production Orders are terminated, and War Production Board Orders Nos. M-316 and M-318, as hereinabove amended, shall be deemed to be reinstated and effective, with the same force and effect as if their provisions had not been suspended.

This directive and order shall become effective at 6:00 o'clock p. m. Eastern War Time June 1, 1943.

Issued this 1st day of June 1943.

HAROLD L. ICKES,
Solid Fuels Administrator for War.

[F. R. Doc. 43-8975; Filed, June 2, 1943; 1:45 p. m.]

¹ 8 F.R. 5677, 5801.

² 8 F.R. 5715, 5801.

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farm Security Administration¹

REVISION OF REGULATIONS IN CHAPTER III

MAY 31, 1943.

Pursuant to the authorizations contained in citations following the specific sections contained therein and effective as of June 1, 1943, the attached codification of documents as Chapter III of Title 6 of the Code of Federal Regulations is hereby adopted. This document supersedes Chapter III of Title 6 of the Code of Federal Regulations (first edition) as amended to date.

[SEAL]

C. B. BALDWIN,
Administrator.

CONTENTS

Subchapter A—Administration

Part
300 General.

Subchapter E—General Program

340 General.

Subchapter F—Management

352 Easements and licenses.
353 Sales of real property.

Subchapter G—Farm Ownership

360 General.
361 Delegations.
362 Purposes.
363 Applications.
364 Regulations.
365 Families.
366 Farms.

Subchapter H—Rehabilitation

373 Standard methods.
374 Emergency methods.
376 Collections.

Subchapter I—Cooperatives

383 Cooperative group services.

AUTHORITY: §§ 300.1 to 383.41, inclusive, issued under the Department of Agriculture Appropriation Act, 1943 (Pub. Law 674, approved July 22, 1942, 77th Cong.), and Sec. Memo. 867, Sup. 2, July 1, 1942, which extends the life of previous orders of the Secretary and makes them applicable under the Act; and the Bankhead-Jones Act, July 22, 1937, 50 Stat. 522, Sec. Memo. 738, Sept. 30, 1937, and Sup. 3, Aug. 4, 1941. More specific authority and statutory provisions interpreted or applied are cited in parentheses at the end of the sections affected.

NOTE: The following statutes and Executive Orders are basic for the establishment, rule-making powers, maintenance and continuation of the FSA:

E.O. 7027, Apr. 30, 1935, as amended by E.O. 7200, Sept. 26, 1935, establishing the Resettlement Administration and prescribing its functions and duties. (Issued under ERA Act of 1935, 49 Stat. 115)

E.O. 7028, Apr. 30, 1935, transferring certain property, functions, funds, from Federal Emergency Relief Administration to the Resettlement Administration. (Issued under ERA Act of 1935, 49 Stat. 115)

¹ Pursuant to Executive Order 9280, dated Dec. 5, 1942, and Executive Order 9322, dated March 26, 1943, as amended by Executive Order 9334, dated April 19, 1943, the Farm Security Administration became a part of the War Food Administration and the authority vested in the Secretary of Agriculture in connection with the Farm Security Administration was conferred upon the War Food Administrator.

E.O. 7041, May 15, 1935, transferring certain property, functions, funds, from Secretary of Interior to the Resettlement Administration. (Issued under ERA Act of 1935, 49 Stat. 115, and the National Industrial Recovery Act, title II, 48 Stat. 195, 200)

E.O. 7083, June 24, 1935, as amended by E.O. 7347, Apr. 15, 1936 (1 F.R. 207) prescribing rules and regulations relating to methods of prosecuting projects under the Emergency Relief Appropriation Act of 1935. (Issued under ERA Act of 1935, 49 Stat. 115)

E.O. 7396, June 22, 1936 (1 F.R. 651), making certain orders, rules and regulations under the 1935 Act applicable to Emergency Relief Appropriation Act of 1936. (Issued under ERA Act of 1936, 49 Stat. 1597, 1608)

Bankhead-Black Act of June 29, 1936 (49 Stat. 2035)

E.O. 7530, Dec. 31, 1936 (2 F.R. 7), as amended by E.O. 7557, Feb. 19, 1937 (2 F.R. 343) transferring property, functions, funds, from Resettlement Administration to Secretary of Agriculture. (Issued under ERA Act of 1936, 49 Stat. 1597, 1608)

E.O. 7649, June 29, 1937, (2 F.R. 1136), making certain orders, rules and regulations under 1935 and 1936 Acts applicable to Emergency Relief Appropriation Act of 1937. (Issued under ERA Act of 1937, 50 Stat. 352)

E.O. 9315, Mar. 15, 1943 (8 F.R. 3279), authorizing the Secretary of Agriculture to approve the dedication of land for streets, alleys, and parks and for any other public use or purpose and to grant easements authorized by § 4 of the Bankhead-Black Act (49 Stat. 2035; 40 U.S.C. 431)

Bankhead-Jones Farm Tenant Act (50 Stat. 522)

Act of Dec. 23, 1941 (55 Stat. 857)

Under the authority of the aforementioned statutes, the Secretary of Agriculture has further delegated certain of his powers in the following memoranda among others:

Sec. Memo. 710, Feb. 2, 1937, as amended by Sec. Memo. dated May 8, 1937, Sec. Memo. dated Oct. 19, 1937 and Sec. Memo. dated Jan. 24, 1938, authorizing the Administrator of the Resettlement Administration to perform certain powers and functions on behalf of the Secretary of Agriculture.

Sec. Memo. 715, March 31, 1937, as extended and amended by Sec. Memo. dated Nov. 3, 1937 and Sec. Memo. 728, July 1, 1937, confirming all authorizations, delegations of authority, and procedures heretofore issued or approved by the Administrator of the Resettlement Administration with the exception of certain functions.

Sec. Memo. 732, Sept. 1, 1937 (2 F.R. 1800) changing name of Resettlement Administration to Farm Security Administration.

Sec. Memo. 738, Sept. 30, 1937 (2 F.R. 2077), as supplemented and amended by Sup. No. 3, dated Aug. 4, 1941 (6 F.R. 3931), delegating authority to the Administrator of the Farm Security Administration to administer Title I of the Bankhead-Jones Farm Tenant Act and related provisions of Title IV of that Act, subject to the supervision of the Secretary.

Sec. Memo. dated Jan. 14, 1938 (3 F.R. 212) delegating certain powers and functions to the Administration of the Farm Security Administration for the administration of the affairs, assets, and funds of Rural Rehabilitation corporations organized in the several states which have transferred their assets in trust to the United States or are under the control of the Department of Agriculture pending transfer.

Sec. Memo. 748, Feb. 14, 1938 (3 F.R. 451) as amended by Sup. No. 1, dated Oct. 26, 1942, authorizing the use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.

Sec. Memo. 760, June 30, 1938 (3 F.R. 1619), making certain orders, rules and regulations under 1935, 1936, and 1937 Acts applicable

to Emergency Relief Appropriation Act of 1938.

Sec. Memo. 796, No. 16, 1938 (3 F.R. 2733), as amended by Sec. Memo. 838, Aug. 22, 1939, Sec. Memo. 850, Jan. 29, 1940 (5 F.R. 337), Sec. Memo. 878, Sept. 30, 1940, Sec. Memo. dated Nov. 5, 1941 (6 F.R. 5687), prescribing rules and regulations for the administration of loans, grants, and farm debt adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration.

Sec. Memo. dated May 17, 1939, as amended by Sec. Memo. dated Aug. 30, 1939 and Sec. Memo. dated Feb. 2, 1940, authorizing the Administrator of the Farm Security Administration to make real estate loans.

Sec. Memo. 826, June 30, 1939, making certain orders, rules, and regulations under 1938 Act applicable to Emergency Relief Appropriation Act of 1939.

Sec. Memo. dated Aug. 26, 1939, authorizing the Administrator of the Farm Security Administration to make special grants in flood areas.

Sec. Memo. 867, June 28, 1940 (5 F.R. 2452), making certain orders, rules, regulations and delegations of authority under 1939 Act applicable to Emergency Relief Appropriation Act, fiscal year 1941.

Sec. Memo. dated July 31, 1940, authorizing the Administrator of the Farm Security Administration to make special loans to individual farmers in the cut-over areas in the states of Michigan, Wisconsin, and Minnesota.

Sec. Memo. dated Nov. 22, 1940 (5 F.R. 4764), prescribing regulations for the making of loans by the FSA in connection with water conservation and utilization projects program and development of farm units on public lands under Federal reclamation projects.

Sec. Memo. dated May 7, 1941, as amended by Sec. Memo. dated July 14, 1941, authorizing the Farm Security Administration to approve loans to refinance real estate indebtedness.

Sec. Memo. 867, Sup. 1, dated July 1, 1941, making certain orders, rules, regulations, and delegations of authority under the Emergency Relief Appropriation Act, fiscal year 1941, applicable to Department of Agriculture Appropriation Act, 1942.

Sec. Memo. 969, dated Jan. 12, 1942, transferring certain functions, duties, and responsibilities in connection with the administration of the water facilities program to the Farm Security Administration.

Sec. Memo. dated Jan. 31, 1942 (7 F.R. 685), prescribing rules and regulations for the administration of the Tenant Purchase Program.

Sec. Memo. dated May 12, 1942 (7 F.R. 3563), authorizing the Farm Security Administration to administer homestead projects in the Virgin Islands.

Sec. Memo. 867, Sup. 2, dated July 1, 1942, making certain rules, regulations, and delegations of authority under Department of Agriculture Appropriation Act, 1942, applicable to the Act Making Appropriations for the Department of Agriculture for the Month of July 1942, and to the Department of Agriculture Appropriation Act, 1943.

Sec. Memo. dated Apr. 26, 1943, authorizing the Administrator of the Farm Security Administration to vote shares of water stock and otherwise represent the United States of America.

Sec. Memo. dated Sept. 15, 1942, authorizing the Administrator of the Farm Security Administration to select counties for the making of loans pursuant to the provisions of the Bankhead-Jones Farm Tenant Act.

Sec. Memo. 969, Sup. 1, dated Sept. 16, 1942, authorizing the Administrator of the Farm Security Administration to approve certain water facilities loans and grants and to perform all functions previously vested in the Water Facilities Board.

Sec. Memo. dated Mar. 15, 1943 (8 F.R. 3221), authorizing the Administrator of the Farm Security Administration to approve sales of real estate and execute deeds.

The Secretary of Agriculture has further delegated certain of his powers in the following Administration Orders (FSA) among others:

A. O. 245, dated May 5, 1939 (4 F.R. 1947), delegating authority to the Administrator of the Farm Security Administration to exercise the rights, privileges, options, and powers under the leases of commercial enterprises at Greenbelt, Greendale, and Greenhills projects.

A. O. 246 (Revision 1), dated July 20, 1939 (4 F.R. 2018), delegating to the Administrator of the Farm Security Administration the authority to approve the sale of state rural rehabilitation corporation surplus real property.

A. O. 252, dated September 8, 1939, authorizing the Administrator of the Farm Security Administration to employ homesteaders on projects and to require performance of work on projects by recipients of relief payments.

A. O. 254, dated July 11, 1940, authorizing the Administrator of the Farm Security Administration to buy furniture and sell it to its clients.

A. O. 257, dated June 16, 1941, authorizing the Farm Security Administration to make grants to cooperative associations.

A. O. 258, dated July 1, 1941 (6 F.R. 3254), prescribing rules and regulations for the determination of the value of average farm units pursuant to the provisions of the Bankhead-Jones Farm Tenant Act.

ABBREVIATIONS: The following abbreviations are used in this chapter:

FSA: Farm Security Administration.

A. L.: Administration Letter, Administrator.

A. O.: Administration Order, Administrator.

FSA Instr.: Farm Security Administration Instruction, Administrator.

E.O.: Executive Order.

Sec. Memo.: Secretary's Memorandum, Secretary of Agriculture.

Subchapter A—Administration PART 300—GENERAL

- Sec.
- 300.1 General functions of the Farm Security Administration.
- 300.2 Delegation of authorities to the Administrator of the Farm Security Administration under the Bankhead-Jones Farm Tenant Act.
- 300.3 Prescribing rules and regulations for the administration of the tenant purchase program of the Farm Security Administration authorized by Title I of the Bankhead-Jones Farm Tenant Act.
- 300.4 Use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.
- 300.5 Administration of loans, grants, and farm debt adjustment activities for needy persons under the rural rehabilitation program of the Farm Security Administration.
- 300.6 Vesting in the Farm Security Administration the administration of homestead projects in the Virgin Islands.
- 300.7 Administration of the water facilities program.
- 300.8 Authority to vote shares of water stock and otherwise represent the United States of America.
- 300.9 Authorization of the Administrator of the Farm Security Administration to approve sales of real property and execute deeds.

§ 300.1 *General functions of the Farm Security Administration.* To promote the rehabilitation of low-income farm owners, farm tenants, sharecroppers and farm laborers; to provide relief for destitute farm families in stricken agricultural areas; to provide homes for low-income families in both rural and suburban areas; and to promote farm ownership. [Par. I, FSA Instr. 011.1, Mar. 28, 1940, 6 F.R. 14]

§ 300.2 *Delegation of authorities to the Administrator of the Farm Security Administration under the Bankhead-Jones Farm Tenant Act.* (a) The administration of Title I of the Bankhead-Jones Farm Tenant Act and related provisions of Title IV of that Act, is hereby entrusted to the Administrator of the Farm Security Administration, subject to the supervision of the Secretary.

(b) The Administrator shall issue from time to time such procedural orders and instructions, not inconsistent with the regulations and requirements of the Department of Agriculture, as may be necessary in the administration of the program authorized by said Title I. The county committees shall be governed by the procedure and forms provided for in such orders and instructions.

(c) The Administrator may delegate to any person within the Farm Security Administration the functions hereby vested in him, except determinations of general policy and the issuance of procedural orders and instructions of general application, and the power to compromise claims in accordance with section 41 (g) of said Act; *Provided*, That the Administrator may delegate to regional directors of the Farm Security Administration the authority to accept, in lieu of the obligation of any borrower, the assumption of the entire indebtedness of such borrower by a person to whom the farm purchased by the borrower by means of the loan shall be conveyed. (Bankhead-Jones Farm Tenant Act, 50 Stat. 522) [Sec. Memo. 738, Sept. 30, 1937, 2 F.R. 2077, and Supplements 1, 2, and 3 thereto, dated Dec. 18, 1939, Feb. 8, 1941 and Aug. 4, 1941, respectively]

§ 300.3 *Prescribing rules and regulations for the administration of the tenant purchase program of the Farm Security Administration authorized by Title I of the Bankhead-Jones Farm Tenant Act.* Pursuant to the authority vested in me by section 41 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1015 (e)), I hereby prescribe the following rules and regulations for the administration of the tenant purchase program of the Farm Security Administration authorized by Title I of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1000-1008):

(a) The full purchase price of all farms purchased in connection with this program must be named in the option between prospective borrowers and their vendors. Side agreements between prospective borrowers and their vendors upon a purchase price greater or less than the option price shall not be permitted. Agreements to give second

mortgages, mortgages on chattels, mortgages on other property, or other liens, notes, or the payment of any cash consideration, other than the cash consideration named in the option price, are included within this prohibition, but it is not to be construed as limited to the side agreements herein specified. Such action shall be deemed grounds for the cancellation of the loan, or for declaring the amount unpaid immediately due and payable, or for the cancellation of the side agreement, regardless of its nature, and for the return to the prospective borrower, by the vendor, of any amount paid in pursuance to the side agreement.

(b) The proceeds of loans made pursuant to Title I of the Bankhead-Jones Farm Tenant Act, *supra*, shall be impressed with a trust for the purposes for which loans may be made under that Title, and may be used only for the purposes stated in the application therefor, and such trust shall continue, and the proceeds shall be free from garnishment, attachment, or the levy of an execution, until such proceeds have been used by the borrower for such purposes. Failure of the borrower to use the proceeds of such loans for such purposes, and in accordance with the purposes stated in the application therefor, shall be deemed grounds for the cancellation of the loan or for declaring the amount unpaid immediately due and payable. (Bankhead-Jones Farm Tenant Act, 10 Stat. 522) [Sec. Memo. dated Jan. 31, 1942]

§ 300.4 *Authorizing the use of land acquired for resettlement purposes in accordance with the provisions of Title I of the Bankhead-Jones Farm Tenant Act.* (a) Upon determination by the Administrator of the Farm Security Administration that any land acquired by the United States for resettlement purposes, including lands transferred by a rural rehabilitation corporation under a trust agreement or purchased out of a fund established pursuant to such an agreement, is suitable for the purposes of Title I of the Bankhead-Jones Farm Tenant Act, said Administrator is authorized to utilize said land for the purposes of said title and to authorize the making of loans for the necessary improvements thereon to such individuals and upon such terms as shall be in accordance with the provisions of said title.

(b) The sale price of the land shall be the purchase price paid by the Government or the current appraised value as determined by the Administrator (or in the event that the Administrator so authorizes, by the regional director) whichever is lower: *Provided, however*, That no such land shall be sold unless the County Committee shall have certified with respect thereto as required by section 2 of said Act. There shall be added in each case the value of any clearing and developmental work performed upon the land by the Government. Where the sale price is based upon the purchase price to the Government, the price paid for various tracts in the resettlement project involved shall be so adjusted and equalized as to spread the benefits of advantageous purchases to all persons to whom said tracts are to be sold.

(c) The Administrator is authorized to approve and execute such deeds and other instruments as may be necessary to accomplish the sale of any such lands. The power to execute such instruments may be redelegated by the Administrator to the respective regional directors, but without the power on the part of the regional directors to redelegate the same.

(d) Any authority conferred upon the Administrator by this order may be exercised by the Deputy Administrator in the event of the absence of the Administrator. (Bankhead-Jones Farm Tenant Act, 50 Stat. 522) [Sec. Memo. 748, Feb. 14, 1938, 3 F.R. 451, as amended by Supplement 1 thereto dated Oct. 26, 1942]

§ 300.5 *Prescribing rules and regulations for the administration of loans, grants and farm debt adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration.* Pursuant to the authority vested in me by the Emergency Relief Appropriation Act of 1938, I hereby prescribe the following rules and regulations for the administration of loans, grants and farm debt adjustment activities for needy persons, under the rural rehabilitation program of the Farm Security Administration:

(a) Loans may be made by the Farm Security Administration for the purpose of financing, in whole or in part, the purchase of necessary equipment, stock, supplies and subsistence needs of, and for soil and farm improvements for farmers, farm tenants, croppers and farm-laborers, and for such other purposes as may be necessary in the administration of rural rehabilitation and relief for needy persons.

(1) Such loans may be made either to individuals or to bona fide agencies or cooperative associations; *Provided, however,* That loans to such agencies or associations may only be made upon condition that no inequitable restrictions on membership or participation are imposed, and that such agencies or associations be so conducted under the supervision of the Farm Security Administration as to protect adequately the interests of the United States and of the members or participants therein. No loan shall be made without my approval to any individual which would result in his total indebtedness to the Farm Security Administration under the rural rehabilitation program exceeding the amount of \$10,000, to any cooperative association or agency which would result in a total indebtedness of such association or agency to the Farm Security Administration exceeding the amount of \$25,000, or to any individual for participation in any cooperative association or agency which would result in the total outstanding indebtedness of individuals for loans in the aggregate for participation in such association or agency exceeding the amount of \$17,500; *Provided, however,* That loans may be made during any one fiscal year to individuals for participation in any one medical or health association or agency in an aggregate amount of not to exceed \$17,500, irrespective of the amount of the outstanding indebtedness of such individu-

als on loans made in previous fiscal years for participation in such association or agency.

(2) Interest shall be charged on such loans at a rate not greater than 5 percent nor less than 3 percent per annum. Different interest rates may be fixed for different classes of loans.

(3) No loan to an individual shall be for a period in excess of 10 years, or to a cooperative association or agency for a period in excess of 40 years. Subject to these limitations, the period for any loan or class of loans, and the repayment schedules therefor, shall be fixed upon the basis of the use to which the proceeds thereof shall be put; the financial resources and earning capacity of the borrower; and in the case of loans to finance the purchase of specific property, the probable rate of depreciation and the estimated life thereof.

(4) To further the rehabilitation of borrowers, the Farm Security Administration may at any time renew loans on terms and conditions not inconsistent with the provisions of these rules and regulations. Upon default in any payment due to the Farm Security Administration, it may enforce payment by realizing upon its security or by legal proceedings.

(5) The Farm Security Administration shall have authority to do all acts necessary or proper for the making, servicing, renewing and collecting of loans made pursuant hereto or heretofore made by, or transferred to, said administration. Security shall be taken whenever deemed desirable and for this purpose authority is hereby granted to accept, record, release and satisfy instruments of security of all kinds.

(b) The Farm Security Administration may make direct grants to farmers, farm tenants, croppers, and farm laborers for the following purposes: (1) subsistence needs, including food, clothing, and shelter; (2) medical care and participation in approved medical or health associations; (3) construction and repair of sanitary facilities and other improvements essential to family health; (4) subsistence livestock, garden seed, fertilizer, and implements and materials for farm, garden and kitchen, to be used for subsistence purposes only; (5) essential household furnishings; and (6) such other purposes as the Administrator may specifically decide to be necessary from time to time to meet emergency situations (such as, among other things, flood, drought, crop failure, insect infestation, cyclones, hailstorms, unseasonable freezes and sharp drops in farm prices). Grants may be made on such terms as will encourage recipients to help themselves and cooperate with the Administration by performing constructive work on the farms they occupy.

(c) The Farm Security Administration shall assist farmers, farm tenants, croppers and farm laborers in bringing about an adjustment of their debts by voluntary agreement with their creditors and for this purpose may cooperate with state and local agencies.

(d) The Administrator of the Farm Security Administration, or, in his absence, the Acting Administrator, shall

exercise the authority contained herein subject to my general supervision, may issue detailed instructions for the administration of the rural rehabilitation program, consistent with these rules and regulations, and, to the extent found advisable, shall be empowered to delegate and authorize the redelegation of this authority to subordinate officers and employees of the Farm Security Administration.

(e) The Administrator, the Acting Administrator and each subordinate officer and employee of the Farm Security Administration to whom any of the authority herein granted is redelegated, shall be authorized as agent and attorney-in-fact for the United States of America to execute any and all legal instruments necessary or proper in the execution of the program herein established.

(f) To the extent legally permissible, the authority delegated by me by memorandum of January 14, 1938, with respect to the state rural rehabilitation corporation trust funds and state rural rehabilitation corporations under the control of the Department, shall be exercised in accordance with these rules and regulations, in the execution of a rural rehabilitation program.

(g) Existing orders and procedures governing the Farm Security Administration in the conduct of the rural rehabilitation program shall remain in effect until superseded by instructions issued by the Administrator or the Acting Administrator.

(h) Nothing herein contained shall be deemed to affect any programs or activities of the Farm Security Administration involving loans for water facilities, loans for construction purposes, or loans made in connection with any resettlement project or rural rehabilitation project for resettlement purposes. (ERA Act of 1938, 52 Stat. 809) [Sec. Memo. 796, Nov. 16, 1938 as amended by Sec. Memo. 838, Aug. 22, 1939; Sec. Memo. 850, Jan. 29, 1940; Sec. Memo. 878, Sept. 30, 1940; Sec. Memo. 867, June 28, 1940; and Sec. Memo. dated Nov. 5, 1941]

§ 300.6 *Vesting in the Farm Security Administration the administration of homestead projects in the Virgin Islands.* Pursuant to the authority vested in me by the law, *It is hereby ordered.* That:

(a) The Administrator of the Farm Security Administration shall administer, to the extent permitted by law, all homestead projects, functions, property, equipment, assets, records, transactions, authority, powers, and funds, transferred to or vested in the Department of Agriculture and the Secretary of Agriculture by the certain Joint Resolution approved December 23, 1941 (55 Stat. 857).

(b) The Administrator shall prescribe such rules and regulations and take such further action as may be necessary for such administration; *Provided, however,* That the policies and procedures for the administration of other projects and programs of the Farm Security Administration shall be followed if applicable and appropriate. The Administrator shall also execute all contracts, deeds and

other instruments necessary to such administration.

(c) The Administrator may delegate to any officials and employees of the Farm Security Administration any authority herein conferred, and may authorize the redelegation of any such authority: *Provided, however*, That the Administrator shall not delegate to anyone the power to compromise claims and obligations, and to adjust and modify contracts, under section 3 of said Joint Resolution. When the Administrator of the Farm Security Administration is absent, the authority conferred upon him by this memorandum may be exercised by the person who acts in his stead as Acting Administrator of the Farm Security Administration. (Act of December 23, 1941, 55 Stat. 857) [Sec. Memo. May 12, 1942, as amended by Sec. Memo. Sept. 29, 1942; 7 F.R. 3563, 7762]

§ 300.7 *Administration of the water facilities program.* (a) The Administrator of the Farm Security Administration is hereby authorized to approve water facilities loans and grants in an amount not exceeding \$50,000 in accordance with the authorization contained in the Water Facilities Act as amended.

(b) The Farm Security Administration is hereby authorized to perform all functions previously vested in the Water Facilities Board with respect to water facilities loans and grants heretofore approved by said board. (Act of August 28, 1937 (50 Stat. 869), as amended by the Act of October 14, 1940 (54 Stat. 1124)) [Sec. Memo. 969, Supp. 1, Sept. 16, 1942]

§ 300.8 *Authority to vote shares of water stock and otherwise represent the United States of America.* (a) The Administrator of the Farm Security Administration is hereby authorized on behalf of the United States of America, first, to exercise all rights and privileges of the United States under shares of stock in any company or association organized to provide water, irrigation, drainage, ditch, canal, reservoir, or similar facilities, provided such stock concerns lands of the United States which are under the administrative jurisdiction of the Farm Security Administration (including lands acquired by the United States pursuant to arrangements between the United States and the several State Rural Rehabilitation Corporations); and, second, to participate in negotiations, signs petitions, vote in elections, and take other action incident to the organization, operation, or dissolution of irrigation, drainage, soil conservation, and weed control districts, or similar types of organizations, insofar as the Administrator shall deem necessary or expedient for the successful administration of such lands.

(1) This authority may be delegated in whole or in part to such employee or employees of the Farm Security Administration as the Administrator may from time to time designate.

(2) The delegation of authority to vote shares of water stock and otherwise to represent the United States of America, given to Mr. C. H. Willson by letter dated March 14, 1941, and given to the Administrator of the Farm

Security Administration under date of August 26, 1942, are hereby superseded.

(b) Pursuant to authority vested in me by the Secretary's Memorandum of April 26, 1943, the Area Director, Denver, Colorado, and all regional directors are hereby authorized on behalf of the United States of America, first, to exercise all rights and privileges of the United States under shares of stock in any company or association organized to provide water, irrigation, drainage, ditch, canal, reservoir, or similar facilities, provided such stock concerns lands of the United States under their respective administrative jurisdictions (including lands acquired by the United States pursuant to arrangements between the United States and the several state RR corporations); and, second, to participate in negotiations, sign petitions, vote in elections, and take other action incident to the organization, operation, or dissolution of irrigation, drainage, soil conservation, and weed control districts, or similar types of organizations, insofar as they shall deem necessary for the successful administration of such lands.

(1) This authority may be redelegated in whole or in part. (R.S. § 161) [Sec. Memo. Apr. 26, 1943; A. L. 679, May 1, 1943]

§ 300.9 *Authorization of the Administrator of the Farm Security Administration to approve sales of real property and execute deeds.* By virtue of the authority vested in the Secretary of Agriculture by R. S. 161 (5 U. S. C. 1940 ed. 22), *It is hereby ordered*, That:

(a) The Administrator of the Farm Security Administration is authorized to approve sales and conveyances of real property or interests therein held by the United States of America and under the jurisdiction of the Farm Security Administration, including real property held in trust for any State rural rehabilitation corporation, and to execute, on behalf of the United States of America, all deeds or other instruments necessary in connection therewith.

(b) Sales of economic farm units to persons eligible for assistance from the Farm Security Administration shall be at prices based on the earning capacity of the farms. The purchase price for such farms shall be payable over a period not in excess of 40 years, and the unpaid portion of the purchase price shall bear interest at the rate of three percent.

(c) Sales of subsistence units shall be for prices consistent with the income of the purchasers. The purchase price shall be payable over a period not in excess of 40 years, and the balance of the purchase price shall bear interest at three percent.

(d) Sales of land to persons not eligible for Farm Security Administration assistance shall be at the maximum prices obtainable and on the terms most favorable to the Government.

(e) All sales and conveyances shall conform to all applicable requirements of law and all applicable regulations of this Department.

(f) In the absence of the Administrator of the Farm Security Administration, the authority hereby conferred may be exercised by the person who acts in his

place and stead as the Acting Administrator of the Farm Security Administration.

(g) This authority may be delegated to regional directors of the Farm Security Administration. (R.S. 161) [Sec. Memo. dated Mar. 15, 1943]

Subchapter E—General Program

PART 340—GENERAL

§ 340.1a *Preferential handling of veterans' applications.* Preferential consideration will be given applications of veterans of armed forces of the United States who have applied for benefits of the program of the Farm Security Administration. Applications coming to the Farm Security Administration from the Veterans' Administration without approval will be referred to the appropriate public welfare agency authorized to determine need for public aid, with the request that they be given prompt consideration. [Pars. 2b, 3a IV, FSA Instr. 401a, rev. 1, Mar. 30, 1936, 1 F.R. 911]

Subchapter F—Management

PART 352—EASEMENTS AND LICENSES

§ 352.61 *Granting easements and licenses—(a) General.* (1) The most common rights-of-way granted by the United States are those for the construction, maintenance and operation of utility facilities, such as telephone, telegraph and electric transmission lines, water, gas or sewer mains, irrigation and drainage ditches, and of roadways.

(2) The rights granted should be limited to the actual needs of the particular situation, and the description should clearly and accurately define the courses and distances over the land involved. Rights-of-way should not grant blanket permission to construct lines or lay pipes at random over the land. The Government should expressly reserve the right to use the surface land over which the right-of-way is granted, the airspace above and the subsurface, for any purpose and in any manner which will not interfere with the rights of the grantee. Moreover, the grantee should agree: (i) to maintain its facilities or roadway in proper repair; (ii) to remedy or replace all damage or loss resulting from the use of the property by the grantee; and (iii) to release and save the Government harmless from all claims for injury or damage resulting from the construction on of the use of the property by the grantee.

(3) Except where clearly inconsistent with the purpose for which a right-of-way is granted, a time limit coinciding with the period for which service is to be rendered should be set on the duration of the right-of-way. A license agreement should provide expressly that the license may be revoked at any time, at the discretion of the Government.

(4) A financial consideration should be required, except where the project will receive adequate benefits in the form of special rates, or where the mere establishment of the facility or roadway will be a sufficient benefit.

(b) *Authority to grant.* (1) The FSA may grant all rights-of-way aiding rural rehabilitation or projects except in those

cases in which, (i) a state or political subdivision thereof is to be the grantee of a right-of-way, or (ii) the purpose of the right-of-way or license is to supply electricity to adjacent or distant land-owners and not to serve the project, and such transmission line is to be a primary line transmitting power from a powerhouse or appurtenant works to the point of junction with the distribution system or with the interconnected primary transmission system, as set forth in section 3 (11) of the Federal Power Act (16 U.S.C. 796).

(a) If a right-of-way is to be granted to a state or political subdivision thereof, the transaction will require prior Secretarial approval in accordance with Executive Order 9315 dated March 15, 1943. In such cases, the regional director will submit the proposed right-of-way agreements, together with the information required, and a statement of the exact acreage to be covered by the right-of-way, to the MA Division in Cincinnati for administrative action. If it is determined desirable to grant the right-of-way, the MA Division will request the Office of the Solicitor to review and, if necessary, revise the right-of-way Form. If the Secretary approves the proposed conveyance, the Director of the MA Division will forward the right-of-way form to the appropriate regional director. The regional director will prepare the right-of-way agreement in an original and four copies; have the original and one copy executed by the grantee; and forward the original and signed copy to the MA Division in Cincinnati for submission to the Secretary. The right-of-way agreement may be executed only by the Secretary or, in his absence, by the Acting Secretary. The MA Division will return the original of the right-of-way agreement and the signed copy, after execution by the Secretary to the regional director.

(b) If the purpose of the right-of-way is to supply electricity by means of a primary line to adjacent or distant land-owners, and not for serving the project, the Federal Commission alone has jurisdiction to grant such rights-of-way, pursuant to section 4 of the Federal Power Act (16 U. S. C. 797). Under that Act, the Commission will insert into the agreement such conditions as the Secretary may designate for the protection of the project. In all cases involving rights-of-way for power lines, the regional office will require each applicant to submit a written statement of whether or not the proposed line is to be a primary line within the meaning of the Federal Power Act. If the line is to be a primary line, the regional office will refer the request to the MA Division in Cincinnati, together with the information required, for transmission to the Commission.

(c) If the requested right-of-way does not appear to be in furtherance of rural rehabilitation or the project, but it is administratively desirable to grant such a right because such grant will result in benefit to the public in general or to the Government, the regional director, on behalf of the FSA, under the authority of section 161 of the Revised Statutes

(5 U.S.C. 22), may grant a "Revocable License", in form approved by the regional attorney, as distinguished from a grant of a right-of-way.

(2) The regional director is authorized, in regard to projects under his jurisdiction, to execute for and on behalf of the Government, without prior approval, all agreements not excluded by the preceding provisions. This authority may not be redelegated. Agreements must not be executed, either by the grantee or on behalf of the Government, until they have been approved by the regional attorney as to legality.

(i) If the regional director determines that a requested right-of-way is in furtherance of rural rehabilitation or the project and is urgently needed, he is authorized to grant a "temporary permit" pending the obtaining of approval when such approval is required, or the execution of the formal agreement. This may be accomplished by a letter, prepared by the regional attorney for the signature of the regional director, authorizing the proposed grantee to go upon the land comprising those portions of the project as are described on the map or plat submitted in connection with the request. It should be indicated clearly in the letter that the temporary permit may be revoked at any time upon thirty days' written notice to the grantee.

(3) The regional director, in regard to all rights-of-way within his authority to grant, may allow variations with the approval of the regional attorney from the time limit established in paragraph (a) (3), when desirable for special reasons. Desired variations from the time limit of rights-of-way to be approved by the Secretary should be reported to the MA Division in Cincinnati, stating fully the considerations involved.

(4) The Director of the MA Division, for non-regionalized projects under his direct jurisdiction, will perform the acts required of the regional director, as authorized in this Instruction. In such cases, legal clearance will be obtained from the Office of the Solicitor in Washington instead of the regional attorney.

(c) *Form of right-of-way.* The approved Form FSA-LE 293, "Easement Agreement", will be used in granting rights-of-way for utility facilities and roadways. This form may be modified by the regional attorney for license agreements, and to meet unusual requirements not covered thereby. [FSA Instr. 526.1, Aug. 26, 1942, pars. I, II, and III]

PART 353—SALES OF REAL PROPERTY

- Sec.
353.0 Delegation of authority.
353.11 Sale of management projects under farm ownership procedure.
353.21 Sale of management projects by deed, note and mortgage.

§ 353.0 *Delegation of authority.* (a) Pursuant to the authority vested in the Administrator by Secretary's Memorandum dated March 15, 1943: *It is hereby ordered,* That: The regional directors of the FSA are authorized to execute, on behalf of the United States of America, all deeds or other instruments necessary to convey any real property or interest

therein held by the United States of America and under the jurisdiction of the FSA, including real property held in trust for any state RR corporation, when such sales or conveyances are authorized by applicable FSA Instructions, or otherwise, subject to the following limitations:

(1) When economic farm units are sold or conveyed to persons eligible for assistance from the FSA, the purchase price shall be based on the earning capacity of the farms and shall be payable over a period not in excess of 40 years. The unpaid portion of the purchase price shall bear interest at the rate of three percent.

(2) When subsistence units are sold or conveyed, the purchase price shall be consistent with the income of the purchasers and shall be payable over a period not in excess of 40 years. The balance of the purchase price shall bear interest at three percent.

(3) When land is sold or conveyed to persons not eligible for FSA assistance, the purchase price shall be at the maximum price obtainable and on the terms most favorable to the Government.

(4) All sales and conveyances shall conform to all applicable requirements of law and all applicable regulations of this Department. [Sec. Memo, dated Mar. 15, 1943 (8 F.R. 3221); A.L. 677, Mar. 20, 1943 (8 F.R. 4897)]

(b) Regional directors are hereby authorized to sell state RR corporation surplus tracts of land and the improvements thereon, provided such sales do not involve tracts of more than 280 acres, and to execute in behalf of the United States of America or of state RR corporations the necessary documents in connection therewith. This authority may not be redelegated. [FSA Instr. 153.3, par. I B 1, July 24, 1940]

§ 353.11 *Sale of management projects under the farm ownership procedure.*

(a) *General.* (1) Farm tenant security and scattered farm projects, and those community farm projects which are too small for economic management by a project staff, upon specific designation by the Administrator, will be transferred to the FO Division for sale and servicing in accordance with Title I of the Bankhead-Jones Farm Tenant Act and applicable FO procedure.

(2) Supplemental loans for improvement and enlargement may be made to make units, sold under FO procedure, adequate family-type farms. TP funds will be used for the making of these loans. (All loans made on MA project units sold under FO procedure will be considered as "supplemental loans".)

(3) If an occupant is qualified for farm ownership and is willing to convert, and if the unit is adequate or can be made so through a supplemental loan, the present MA purchase contract will be canceled, a quitclaim deed to the occupant will be executed by the Government, and a mortgage to the Government covering the amount of the indebtedness will be executed by the occupant.

(4) In the sale of farm units (including the conversion of purchase contracts to deed and mortgage transactions) county committee certification, both as to price

and applicant, will be required as provided in applicable FO procedure. The RR committee, or FDA committee, or three members of the county council may be appointed in the regular manner to serve as an FO committee in a county where there is no FO committee. It is essential in order to meet legal requirements that committee action be taken by legally constituted FO committees.

(5) In the sale of farm units, present occupants will be given preference as purchasers.

(6) The regional director will give precedence to the sale of leased project units over the conversion of MA purchase contracts to deed and mortgage arrangements.

(b) *Authorities and responsibilities.*

(1) The regional director will classify transferred project units first as to whether they are, first, being operated under a purchase contract or, second, being operated under a lease contract, or are vacant. Under the above two major groups, units will then be tentatively classified as follows:

(i) Units which are adequate family-type farms, ready for sale (or conversion of purchase contract to deed and mortgage contract) to present occupants or new occupants.

(ii) Units which could be made adequate family-type farms with a supplemental loan for immediate sale or conversion to present occupants or new occupants.

(iii) Units which are adequate, or that could be made adequate with a supplemental loan, which are occupied by families that will require from one to three years to become eligible for farm ownership under FO procedure. (This classification applies primarily to units under a lease contract.)

(iv) Inadequate units that cannot be made adequate by a supplemental loan and which should be disposed of as surplus.

(2) Supervision of transferred units in the field should be assumed by an RR supervisor as rapidly as possible.

(3) At the regional level, responsibility for transferred units should be shifted gradually from the MA to the FO section. The region will proceed immediately with the sale of project units classified under paragraphs (b) (1) (i) and (ii) of this section in accordance with FO procedure. Where the purchaser is willing, the existing MA contract will be terminated and the purchase contract shifted to a FO deed and mortgage basis. Some time may elapse before it is possible to shift all of these contracts. Pending such a shift, the MA Division will continue to administer these units and also the units in the classification given in paragraph (b) (1) (iii) (at the regional office level). The FO regional and state staffs will assume the responsibility of following up on the situation in the field in order to assist county personnel in converting purchase contract units and in selling leased units as rapidly as possible. As purchase contracts are converted and as eligibility of occupants under lease is determined by regional directors, complete responsibility for the units covered

by such purchase contracts or leases will be assumed by the FO section.

(4) If the regional director determines that a unit cannot be enlarged or developed into an adequate family-type farm, the MA Division will dispose of the unit as surplus property in accordance with FSA Instruction 153.3.

(5) Community facilities on projects transferred to the FO Division will be disposed of by the MA Division through conveyance to: (i) A school district or other local governmental agency, as provided in FSA Instruction 557.2, or (ii) a community organization set up especially to operate and maintain community facilities.

(c) *Determination of selling prices of all units on transferred projects.* (1) The regional director will determine the asking price for each unit, taking into consideration the investment in the unit, past appraisals, operating history and the judgment of FO county committees and of informed members of his staff. He will prepare Form FSA-TP 3, "Report on Earning Capacity of Farm", for each unit, based on available information in the regional office and the judgment of staff members familiar with the farm. Only in those cases in which the regional director decides that sufficient information is not available for filling out Form FSA-TP 3 will a visit be made to the farm for the purpose of appraising or reappraising it.

(2) The prices approved by the regional director, supported by the Earning Capacity Reports and other significant information, will be presented by an FSA representative, designated by the regional director, to the appropriate county FO committee for review and recommendation. On the basis of this information and its knowledge of the farm and farm values in the community, the committee will certify what it deems to be a reasonable value for the farm, using appropriate portions of Form FSA-491, "County Committee Certification", for this purpose. Except when a supplemental loan is made to enlarge the unit, the price limitation amendment will not apply, so paragraph 10 of Form FSA-491 will be inapplicable.

(3) If the committee's certification differs from the asking price approved by the regional director, he will be advised and will decide whether or not to authorize the sale of the farm units in accordance with the committee's certification.

(4) The regional director will submit to the Administrator, for his information, attention MA Division, a list by projects of the farm units and their approved selling prices.

(d) *Selection of purchasers.* (1) After the selling price has been determined, the FSA will request the FO county committee to consider the qualifications of occupants deemed by the FSA to be qualified for ownership on the basis of their past record and ability to succeed and to certify each family which they consider eligible for ownership of its farm. The FSA representative will informally work with the county committee in determining which families

will require from one to three years to become eligible for purchase of their farms.

(2) The committee will certify all occupants qualifying for immediate purchase and each occupant will be approached by FSA to determine if he desires to purchase the farm which he is operating, at the established selling price. If he desires to purchase, the sale will be consummated, and if a supplemental loan is required, it will be made.

(3) The FSA will approach each occupant who may be qualified to purchase at a later date to determine if he is interested in buying the farm he is occupying, provided it is made available to him at the price which has been established. If an occupant signifies his desire to purchase the farm, it will be leased to him during the necessary probationary period determined upon.

(4) Farms occupied by occupants who do not wish to purchase at the price established, or who are not qualified to become purchasers, will be offered for sale to eligible applicants selected in the manner as FO borrowers. Occupants of such farms will be notified that their leases will not be renewed (or will be terminated if they are on a continuing lease) at the end of the crop year if it appears that a sale can be consummated so that the purchaser can operate the farm during the next crop year.

(5) In case of an inadequate unit the occupant of which is qualified for farm ownership, the first obligation is to attempt to round out his unit by loaning him sufficient funds to purchase an additional tract to make his unit adequate. However, in case he is not qualified or it does not seem feasible to purchase a tract of land to make the unit adequate, the unit can be sold to an adjacent or nearby owner who does not have an adequate unit and who could use this particular unit in order to give him a family-type farm, providing he is qualified as an FO borrower. He would be in the same position as any owner to whom an FE loan is made, only in this case instead of making him a loan to purchase an additional tract, FSA simply sells him the additional tract he needs. [FSA Instr. 555.2, pars. II, III, IV, and V, Dec. 14, 1942 (Rev. 1)]

§ 353.21 *Sale of management projects by deed, note and mortgage—(a) Documents authorized.* Regional directors are authorized to use a deed, note and mortgage to accomplish the sale of MA project farm units. Regional directors are authorized to determine whether the note will provide for the FO fixed or variable payment, or whether it will provide for the MA crop percentage payment.

(1) If the FO type payment is selected for the region, the FO Deed, Note and Mortgage Forms authorized for the sale of units transferred from MA to FO will be used after deleting references to the Bankhead-Jones Farm Tenant Act. County Committee Certification (on Form FSA-491) will not be made.

(2) If the variable crop percentage payment is selected by the region, Form

FSA-549, "Quitclaim Deed", Form FSA-550, "Promissory Note (Variable Payment Plan)"; and Form FSA-521, "Real Estate Mortgage/Deed of Trust", will be used. Forms FSA-549 and FSA-551 have been forwarded to regional attorneys for adaptation to conform to state laws and should be duplicated in the regions.

(b) *Loan agreement.* The contract for sale will be covered in a Loan Agreement, Form FSA-TP 5, "Loan Agreement and Request for Funds", will be used after the last sentence thereof which relates to the eligibility of the applicant under the provisions of the Bankhead-Jones Farm Tenant Act is deleted.

(1) A separate loan agreement will be prepared if a development loan is to be made to the purchaser. The real estate transaction and the development loan will be covered by separate notes and will be treated as separate accounts.

(2) Where there is no advance of funds, the amount of the purchase price of the unit should be inserted in the proper space on the face of the loan agreement. The following should be typed on the reverse of the loan agreement:

The total indebtedness of _____ Dollars to be incurred by the applicant under this agreement represents the purchase price of land, buildings, and appurtenances thereto owned by the United States and to be sold to the applicant.

Since the loan agreement is fastened in binders, this phrase should be typed on the reverse directly opposite the bottom of the front page.

(3) When the purchaser is to receive a development loan, Form FSA-FI 5, "Public Voucher—Farm Security Administration Loan", and Form FSA-TP 5, "Loan Agreement and Request for Funds", after the last sentence thereof has been deleted, will be prepared in the amount of the cash advance and will be processed in the same manner as any other loan.

(4) All loan agreements will provide for fixed payments on a 40-year, three per cent basis.

(c) *Promissory note.* Where the FO fixed or variable payment is utilized, Form FSA-LE 190, "Promissory Note", will be used after the references to the Bankhead-Jones Farm Tenant Act contained in the last paragraph thereof have been stricken. Where the MA crop percentage payment is utilized, Form FSA-550, will be used.

(1) The date of the note covering the real estate transaction need not agree with the date of the deed and mortgage. The note should be dated when it is desired to start accrual of interest on the indebtedness evidenced thereby, which must be a date coinciding with or earlier than that contained in the deed given the purchaser.

(2) Form FSA-LE 190 will be used for all development loans. Where crop percentage payments are to be made under Form FSA-550, the payments maturing under the provisions of Form FSA-LE 190, should be made from the payments provided for in Form FSA-550. To accomplish this, there should be typed on

the face of Form FSA-LE 190 the following:

The maker agrees that the Government may, at its discretion, apply any payments or parts thereof made under the provisions of Form FSA-550, "Promissory Note," signed by the maker on the _____ day of _____, 194____, to the payments due under this note before any application is made under the provisions of Form FSA-550, "Promissory Note."

The payments on the development loan will mature and will be payable regardless of whether sufficient funds are available under the crop percentage plan contained in Form FSA-550.

(d) *Quitclaim deed.* The quitclaim deed and the mortgage must reserve to the Government at least 75 per cent of the oil, gas, coal and other minerals. The regional director is authorized to determine the reservation of mineral rights within this limitation. [A. L. 621, May 5, 1943]

Subchapter G—Farm Ownership

PART 360—GENERAL

§ 360.11 *Basic authorizations.* (a) The Secretary of Agriculture is authorized to make loans in the United States and in the Territories of Alaska and Hawaii and in Puerto Rico to persons eligible to receive benefits of Title I of the Bankhead-Jones Farm Tenant Act to enable such persons to acquire farms.

(b) Loans made under Title I of the Bankhead-Jones Farm Tenant Act shall be in such amount (not in excess of the amount certified by the County Committee to be the value of the farm) as may be necessary to enable the borrower to acquire the farm and for necessary repairs and improvements thereon, and shall be secured by a first mortgage or deed of trust on the farm.

(c) The instruments under which the loan is made and security given therefor shall provide for the repayment of the loan within an agreed period of not more than forty years from the making of the loan and provide for the payment of the interest on the unpaid balance of the loan at the rate of 3 per centum per annum. (Sec. 41 (i), 50 Stat. 522; 7 U.S.C. 1015 (i); and Sec. Memo. 738, Sept. 30, 1937, 2 F.R. 2077) [FSA Instr. 601.1, Aug. 27, 1938, par. 1, sections 1 (a), 3 (a), and 3 (b) (1), (2)]

PART 361—DELEGATIONS

§ 361.11 *Delegations of authority.* In carrying out the provisions of Title I and the related provisions of Title IV of the Bankhead-Jones Farm Tenant Act, and in administering a program of FD loans, the authorities listed below are delegated by the Administrator to regional directors, and other regional personnel as specified, to be exercised in accordance with the terms given herein. All such redelegations of authority, as are authorized herein, must be in writing, designating by name, title and address the delegatee and specifying the authority delegated. A copy of the delegation of authority shall be made available to the Finance area manager. (a) The following authority may not be redelegated by the regional directors:

(1) *Selection of counties.* To select counties for the operation of the FO program, in accordance with the criteria established in § 363.11.

(2) *Wage rates.* To prescribe wage rates to be paid for construction work by contract carried on with FO loan funds.

(3) *Release of security.* To authorize releases from the terms of the mortgage to the extent necessary to enable the borrower to sell a part of his farm or to grant easements or rights-of-way: *Provided*, That the sale or grant will not interfere with the operation of the farm or render it less than an economic, family-type unit: *And provided*, That the proceeds of the sale or grant are used to protect the Government's security; and to execute the necessary instruments after these have been approved by the regional attorney.

(4) *Execution of affidavits affecting recorded instruments.* To execute and record affidavits or agreements in connection with or affecting instruments of record, pursuant to the provisions of state statutes.

(5) *Release of supervised funds.* To order any depository of FO funds held in a supervised bank account to pay such funds upon written demand to the Government or to any person or persons designated by the regional director. This authority shall be exercised only after the approval of the regional attorney.

(6) *Payment plans.* (i) To make compulsory transfers of borrowers from the variable to the fixed basis of payment when such borrowers have made unsatisfactory progress in the retirement of their debts, or have otherwise failed to comply with their signed agreements and such transfers are necessary for protection of the Government's interest. (ii) Where properly justified, to give written consent to borrowers who have once operated under one payment plan and later changed to another to again change the basis of payment.

(7) *Transfer to eligible applicant.* To consent to the transfer of a TP or FE farm and, upon such transfer, to release the transferor from personal liability (except in Louisiana): *Provided*, That the transferee assumes liability for the entire indebtedness and the lien of the Government's mortgage or deed of trust is not impaired by the transaction.

(8) *Transfer to Government.* To accept title to a TP or FE farm in the name of the Government by a deed in lieu of foreclosure and, in accordance with the criteria established in FSA Instruction 655.5, to release the borrower of all or part of his indebtedness.

(9) *Sale of farms for defense purposes.* To consent to the sale of an FO farm to any agency of the Government for purposes of national defense, unless there is a compromise settlement involved, and to execute the necessary release of lien.

(10) *Maintenance of acquired property.* To authorize expenditure of funds available for loans under Title I of the Bankhead-Jones Farm Tenant Act for paying expenses necessary to maintain and protect the Government's invest-

ment in TP or FE farms acquired by the Government.

(11) *Mineral rights.* Subject to the provisions of paragraph IV of FSA Instruction 621.1, to authorize exceptions to the policy that all mineral rights in land purchased, refinanced or improved with the proceeds of FO loans, be vested in the borrower.

(b) The following authorities may be redelegated by the regional directors to assistant regional directors, RR; assistant regional directors, FO (in regions in which such position has been established); chiefs and assistant chiefs of regional Farm Ownership sections:

(1) *Approval of loans.* To approve FO loans and supplementary FO loans by executing the necessary documents and amendments thereto and by approving the vouchers.

(2) *Approval of titles.* To determine whether minor defects in, or easements, leases, reservations or exceptions affecting title to land owned or to be acquired by applicants for FO loans will interfere with the operation of the farm as an economic, family-type unit, and to determine equitable arrangements for application, as extra payments, of any income, or part thereof, arising out of such outstanding interests.

(3) *Payment plans.* To authorize a voluntary transfer of a borrower from one payment plan to another.

(4) *Releases.* To give the consent of the Government to releasing from the terms of the mortgage, timber and naval stores for commercial harvesting, stone, gravel, coal and other minerals for commercial disposal, and land for oil leasing. *Provided, That:* (i) The timber and naval stores are harvested in accordance with the approved farm management practice; (ii) the quarrying of stone, removing of gravel; mining of coal and other minerals, and the leasing of land for oil does not interfere with the agricultural use or value of the farm, or if the agricultural use or value is impaired, compensating payments will be made to the Government for such losses; (iii) the proceeds from any of these transactions are to be divided equitably between the Government and the borrower, the part paid to the Government being in addition to the annual amortization payment due on the loan.

(5) *Removal of buildings.* To give the consent of the Government to the removal of buildings from FO farms.

(6) *Construction performed with FO loan funds.* To specify the methods by which construction work is to be done: *Provided, however,* That nothing contained in this paragraph or in paragraph (d) (1) below shall be construed to authorize any official of the FSA to vary or modify or approve the variance or modification of the wage rates prescribed by the regional director in accordance with paragraph (a) (2) of this section or to vary or modify or approve the variance or modification of any of the labor provisions of the approved form of construction contract.

(7) *Management of property prior to transfer or foreclosure.* To secure a power of attorney from a TP or FE borrower authorizing disposition of the

property, to consent to leasing or to execute and deliver a lease of a TP or FE farm on behalf of a borrower, under authority contained in the mortgage or deed of trust, and to hire a caretaker for a TP or FE farm in appropriate cases.

(8) *Advances to protect security.* To authorize the use of TP loan funds for paying expenses necessary to preserve the Government's security in TP or FE farms: *Provided, however,* That such expenses shall not exceed five per cent of the amount loaned on the property.

(9) *Leasing acquired property.* To execute and deliver leases on a TP or FE farm acquired by the Government by voluntary conveyance or foreclosure.

(c) The following authority may be redelegated by regional directors to state RR directors:

(1) *State committee meetings.* To call meetings of state Farm Security Advisory committees within their states.

(d) The following authorities may be redelegated to state RR directors, state FO specialists, assistant state FO specialists, district RR supervisors and RR supervisors, in addition to the persons indicated in paragraph (b) of this section:

(1) *Contracts and plans.* To approve plans and construction contracts for major repairs and new construction.

(2) *Physical examination.* To make all necessary arrangements with physicians to give health examinations to tentatively approved FO applicants.

(3) *Variable payments.* To execute variable payment agreements.

(4) *Construction performed with FO loan funds.* To authorize payments when the work is completed on a contract basis, provided that the final inspection report indicates that the work is satisfactory.

(5) *County committee meetings.* To call meetings of county committees for the purpose of considering applications for FO loans and performing related work.

(e) The following authority may be redelegated by the regional directors to any designee:

(1) *Approval of depositories.* To approve the bank or other depository (which must be insured under the Federal Deposit Insurance Corporation) in which the proceeds of FO loans or funds from farm income shall be deposited by the borrower.

(f) The following authorities may be delegated to the district RR supervisors or RR supervisors by the regional directors:

(1) *Countersignatures.* To countersign all withdrawals of supervised funds by a borrower and to perform all of the functions ascribed to countersigning officers.

(2) *Variable payments.* To determine the amount of the annual payment which is due from each borrower under the variable payment plan.

(g) The authorities herein delegated shall be executed in accordance with FSA instructions. There is hereby reserved to the Administrator the power to consider exceptional cases with a view to determining whether the instructions of the FSA may be waived with respect to

such cases. (Sec. 41 (1), 50 Stat. 522; 7 U.S.C. 1015 (1); and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 601.2, Jan. 21, 1943]

PART 362—PURPOSES

§ 362.11 *Purposes of farm ownership loans—*(a) *The broad purposes of farm ownership (FO) loans.* These purposes are to:

(1) Promote more secure occupancy of farms and farm homes by families who derive the major portion of their income from farming operations.

(2) Correct the economic instability resulting from some present forms of farm tenancy.

(3) Preserve the family-type farm in America.

(4) Correct maladjustments of population to the land which result in wasted man power, impoverishment of land and people, and decline of rural civilization.

(b) *Source of funds.* TP and FE loans are made from funds made available under Title I of the Bankhead-Jones Farm Tenant Act; FD loans are made from funds made available for loans, grants and rural rehabilitation.

(c) *TP loans.* TP loans may be made to eligible persons who do not own farm land. The proceeds of TP loans may be used to:

(1) Purchase family-type farms.

(2) Make such repairs and improvements on such farms as may be necessary to meet established standards of health, comfort and convenience, and otherwise to put them in livable and operating condition.

(3) Pay all authorized fees and expenses incident to the acquisition of the farm purchased with the proceeds of the TP loan.

(4) In certain specially defined cases, purchase headquarters units which when combined with adjacent lands, dependably available for long-time lease, will constitute economic, family-type units.

(d) *FE loans.* FE loans may be made to eligible persons who own farms which are definitely too small to support an average family according to acceptable living standards. (See FSA Instruction 611.1 for eligibility requirements.) The proceeds of FE loans may be used to:

(1) Purchase sufficient additional land to enlarge such inadequate farms into economic, family-type units.

(2) Make such repairs and improvements to the enlarged farm unit as may be necessary to meet established standards of health, comfort and convenience, and otherwise to put the unit in good living and operating condition. This may include such land improvements as are mentioned under paragraph (e) (1) of this section.

(3) Refinance existing debts on farms to be enlarged provided such refinancing is incidental to the main purpose of acquisition of a family-type farm, and provided less than half the loan is used for this purpose. In addition, the amount spent for refinancing must not exceed the county committee's determination of value less planned improvements of the unit owned by the applicant.

(4) Pay all authorized fees and expense incident to the acquisition of the

farm enlarged with the proceeds of the FE loan.

(e) *FD loans.* FD loans may be made to eligible persons who own farms which, if properly developed and financed, would constitute economic, family-type units. No land purchase will be permitted in connection with these loans. The proceeds of FD loans may be used to:

(1) Effect such clearing of timber, brush, stump, or stony land, draining of wet land, irrigating of arid land, leveling of rough land, terracing of land subject to erosion, preparation of land for permanent pastures, woodlot or orchard development, or carrying out such other land improvements as will result in increasing the production and earning capacity of the farm and facilitate the rehabilitation of the borrower.

(2) Repair, improve, or construct dwellings or farm buildings in a manner conforming with stated standards of the FSA.

(i) No hard and fast rule can be laid down for determining which repairs or improvements should be paid for out of the proceeds of RR loans and which should be paid for out of the proceeds of FD loans. In general, it is proper to pay out of the operating loan an amount sufficient to meet current wear and tear. A borrower who is holding his own should be able to meet annual depreciation costs out of annual income and keep current with his operating loan. Obviously, an FD loan should not be made for the sole purpose of making incidental repairs to fences, roofs, wells, privies, and so forth, totaling around \$100 or less. If, however, the contemplated outlay for repairs, additions, or new construction is more than it is practical to pay out of annual income or out of the proceeds of a short-time operating loan, an FD loan should be made if it is otherwise desirable which will include funds to meet the cost of minor repair items of around \$25 or more. Usually if the improvements to be made out of the proceeds of an FD loan are sufficient to rehabilitate a borrower, more than \$500 will be required.

(3) Refinance existing debts on the farms to be developed in order that the FD loan may be secured by a first lien.

(i) While an FD loan which permanently increases the earning capacity of the farm, improves substandard living conditions for the borrower and helps to effect his rehabilitation, is more beneficial than a straight refinancing loan, it may, in exceptional cases, be desirable to make a straight refinancing loan. Such loans shall, however, be made only upon the personal approval of the regional director after they have been amply justified on the basis of changing the situation of the borrower from one under which success is obviously impossible to one under which success appears probable. There should as a rule be substantial reduction in the existing debt and in no instance shall a refinancing loan be made in excess of the earning capacity value of the farm less contemplated expenditures for improvements thereon.

(4) Provide for the installation of farmstead water facilities wherever it is not possible or desirable to obtain funds for these facilities through the Water Facilities Program.

(5) Purchase an irrigation water right or shares of stock in an irrigation company wherever it is not possible or desirable to obtain funds through the Water Facilities Program.

(6) Participate in or construct necessary land drainage facilities.

(7) Pay any authorized fees and expenditures incident to making the loan.

(8) None of the proceeds of an FD loan shall be used to purchase or refinance machinery, tools, equipment, livestock, and similar items not generally considered appurtenances to the land. (Sec. 41 (i), 50 Stat. 522; 7 U.S.C. 1015 (i); and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 600.1, Oct. 12, 1942]

PART 363—APPLICATIONS

§ 363.11 *Designation of counties.* TP, Farm Enlargement (FE) and Farm Development (FD) loans may be made in any county selected by the regional director for the operation of the FO program. Area analyses, which include data on the adjustment of population to the land, adequacy or inadequacy of farm units, character of prevailing tenure arrangements, character of prevailing real estate credit, and availability of land at reasonable prices, shall be the guide in the selection of counties, and loans shall be concentrated in the areas in which the need, as reflected by these analyses, is greatest. In addition, FD loans shall be made only in those counties where the regional director finds that the problems of the families are cumulative and chronic, and are rooted in depletion of land and capital resources, reduced earning capacity and distribution of land resources, and where the making of such loans will be basic to a program of land, capital and related adjustments which will promote the rehabilitation of farm families. The question of administrative costs must also be considered in the selection of counties for FO loans. The expense involved in opening a county for a very small number of loans should be avoided. (Sec. 41 (i), 50 Stat. 522; 7 U.S.C. 1015 (i); and Sec. Memo. 738, Sept. 30, 1937, 2 F.R. 2077) [FSA Instr. 616.1, Aug. 22, 1942, par. 1B]

PART 364—REGULATIONS

§ 364.11 *General regulations—(a) Loan limits.* (1) No FO loan shall be made if the total cost of the complete farm unit, computed as in paragraph (a) (3) of this section exceeds \$12,000.

(2) No TP or FE loan shall be made if the total cost of the complete farm unit, computed as in paragraph (a) (3) of this section, exceeds the reasonable value of the farm with contemplated improvements, as certified by the county committee.

(3) The total cost of the complete farm unit shall include (i) the purchase price of all land to be acquired, (ii) the value less planned improvements, as determined by the county committee, of

any equity which the applicant may have in the farm, (iii) the amount necessary for refinancing, (iv) the amount necessary for planned repairs and improvements, and (v) the service fee.

(4) No FD loan shall be made in excess of \$2500.

(b) *Price limit.* (1) No TP or FE loan shall be made if the total cost of the complete farm unit exceeds the value of the average farm unit of 30 acres or more in the county, parish or locality in which the land is to be purchased, as determined in accordance with the statistics of the farm census of 1940. In connection with this limitation the cost of the complete farm unit shall be computed as in paragraph (a) (3) of this section except that there shall not be included the amount necessary for planned repairs and improvements. In other words, this limitation applies only to the cost of the farm with existing improvements.

(2) The RR supervisor in a selected county shall be informed by the regional office of the average value of farms 30 acres or more in that county, according to the farm census of 1940. If, because of diverse soil or agricultural conditions or other factors, there is a marked difference in the value of land among localities in the county or parish, a request may be submitted in accordance with FSA Instruction 631.2 for the designation of one or more localities in the county or parish, and the determination of average values for such localities.

(3) If a farm lies in two or more counties, parishes or localities, the price limit to be applied is that for the county, parish or locality in which the principal residence of said farm is located or is to be constructed.

(c) *Terms of loans.* (1) TP and FE loans shall be for forty years.

(2) FD loans may be for forty years or may, at the discretion of the regional director, be for a shorter period so long as it is at least five years or a multiple thereof.

(3) Interest will be charged at three per cent per annum on unpaid principal for all types of FO loans.

(4) All FO loans shall be secured by a first mortgage or deed of trust on the improved farm.

(d) *General.* (1) The word "farm" as used in procedure relating to FO loans includes the land, buildings, fences, water systems and other improvement items generally considered appurtenances, and funds for such items may be included in an FO loan. The proceeds of FO loans may not be used to purchase or refinance machinery, tools, equipment, livestock and similar items not generally considered appurtenances. In some states, certain improvement items or appurtenances which may be purchased or refinanced with the proceeds of FO loans as indicated above, are legally defined as personal property rather than real estate. In all such cases the RR supervisor shall see that such personal property is free from any liens or encumbrances.

(2) FO loans may include funds for such land improvements as terracing, drainage, woodlot and orchard development, permanent pasture and the basic

application of lime or phosphate, where such application is necessary to put the land in shape for the initiation of the long-time farm plan. The proceeds of such loans, however, shall not be used for the purchase of fertilizers normally applied annually as a part of the regular expense of crop production.

(3) Arrangements shall not be made with vendors to construct new or repair old buildings, in order to comply with the anticipated needs of prospective TP or FE borrowers. Such construction work shall be done by or for the prospective borrower and shall be subject to established regulations as to types of structure, wage and hour conditions, inspection, liability insurance, and so forth.

(4) None of the proceeds of an FO loan may be used for the construction of any improvements not located on the land covered by the Government's mortgage.

(5) When a borrower has funds of his own to apply toward the purchase, enlargement or development of his farm, such funds shall be used as part of the purchase price in the case of a TP or FE loan, and as part of the cost of refinancing or development in the case of an FD loan. Such funds may not be held back for use in making additional and unapproved expenditures.

(6) Any existing debts on a farm which is to be enlarged or developed must be paid off with the proceeds of the FE or FD loan so that there will be no liens upon the farm other than the Government's mortgage.

(7) A service fee shall be included in each FO loan to pay for health examination, deed and mortgage recordation, any portion of the expense of title examination and title insurance chargeable to the borrower, bank charges for handling deposits and other expenses necessary in connection with the acquisition of the land and the closing of the loan. To the sum of these charges there shall be added the sum of five dollars (\$5) to take care of possible underestimates. Any questionable charges to the service fee shall be referred to the regional attorney.

(8) Any balance of an FO loan which is unexpended after completion of the planned expenditures shall be applied as a repayment of the loan.

(9) Unless exception in individual cases is made by the regional director, FO loans shall not be approved which provide for the purchase of buildings located on outside tracts to be moved to FO farms. Such exceptions shall be granted by the regional director only upon condition that the buildings purchased are legally released from any liens or mortgages outstanding against the property on which they are located. (Sec. 41 (i), 50 Stat. 522; 7 U.S.C. 1015 (i); and Sec. Memo, 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 631.1, Aug. 22, 1942, pars. I, II, III, and IV]

PART 365—FAMILIES

§ 365.11 *Selection of applicants.* The following requirements shall govern the selection of applicants for farm ownership loans:

(a) An applicant must:

(1) Be a citizen of the United States in order to obtain a TP or farm enlarge-

ment (FE) loan, and must either be a citizen or have filed his application for citizenship in order to obtain a farm development (FD) loan.

(2) Must be or must have been recently engaged in farming as a means of providing the major portion of the family income.

(3) Be a farm tenant, farm laborer, sharecropper or recent owner in order to obtain a TP loan, and must be either an owner or contract purchaser in order to obtain an FE or FD loan.

(4) Be willing to cooperate with representatives of the FSA in developing and carrying out a sound Farm and Home Plan and maintaining such records and accounts as may be required until the debt is paid.

(5) Have shown a proper attitude toward meeting his debt obligations.

(6) Have manifested a desire for stability of residence.

(7) Be adapted to and interested in operating a family-type farm.

(8) Possess the necessary initiative, resourcefulness, and farming and managerial ability to succeed with the operation of a family-type farm.

(9) Be unable to obtain from private or other Government sources a satisfactory loan for the purpose, enlargement or development of a family-type farm.

(10) Be free from incurable physical disabilities likely to interfere with successful farm and home management operations and with the repayment of the loan. In addition, no member of the applicant's family should be disabled or afflicted in a manner likely to prevent the repayment of the loan.

(b) Preference shall be given to applicants who are married, or who have dependent families. Other things being equal, families with children who will remain in the home for some years to come should be given preference.

(c) Preference shall be given to applicants who are able to make an initial down payment, or who are owners of livestock and farm implements necessary to carry on successful farming operations.

(d) In the selection of applicants, there shall be no discrimination based on nationality, race, creed or political affiliation.

(e) Unless an exception is made in writing by the regional director a loan should not be recommended when there is a person in the family related to a member of the county committee or to the county RR or HM supervisor or assistant supervisors in any of the following direct or step relationships: Father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law.

(f) A loan may be made to an otherwise eligible applicant who has served on a county committee, or to a person related to a former committeeman, as specified in paragraph (e) above: *Provided*, That at least one year shall have elapsed since the committeeman's resignation or retirement.

(g) Persons having outstanding judgments against them shall be eligible for

an FO loan only after such judgments have been settled or satisfactory arrangements have been made for settling them. Otherwise, such judgments may become liens against any farm purchased, enlarged or developed by means of an FO loan.

(h) FO loans shall not be made to applicants whose non-real estate debts, after adjustment, are excessive. In other words, the total indebtedness of such borrowers should come within the limits of possible repayment from the anticipated farm income.

(i) The ownership by an applicant or his wife of land or an interest therein which is of negligible agricultural value, which cannot be developed into a family-type farm and which is not to become part of an enlargement unit shall not disqualify an applicant for an FO loan, provided he agrees to dispose of such land or interest as soon as possible and apply the proceeds as an extra payment on the loan.

(j) Except as provided in paragraph (i) of this section, a TP loan shall not be made to an applicant if either he or his wife owns land or an interest in land.

(k) In connection with FE and FD loans (but not TP loans), the proceeds of the loan may be used for refinancing purposes to the following extent:

(1) In the case of an FE loan, the total amount to be expended for refinancing must be less than one-half of the total loan, and in addition must not exceed the county committee's determination of value less planned improvements of the unit owned by the applicant.

(2) In the case of an FD loan, the total amount to be expended for refinancing must not exceed the county committee's determination of the value less planned improvements of the unit to be developed. However, loan proceeds may not be used to refinance any debts owed to Federal agencies, or agencies under the direct supervision of the Federal Government which have for their purpose the lending of money on real estate, unless there are exceptional individual cases in which the regional director determines that such refinancing is justified by special or unusual circumstances.

(l) No TP or FE loan shall be made for the purchase of land which is owned by a parent or other near relative of an applicant unless the regional director has determined that the applicant is not likely to acquire the property in a short time by inheritance, and that the vendor's circumstances are such as to make it impracticable for him to sell the property to the applicant under any arrangement that would make a TP or FE loan unnecessary. Likewise, no refinancing of a mortgage held by a parent or other near relative shall be permitted in connection with FE and FD loans unless the regional director has determined that the applicant is not likely in a short time to receive an inheritance from the relative's estate sufficient to discharge the mortgage, and that the mortgagee's circumstances are such as to make it impracticable to refinance the mortgage under any arrangement that would make an FO loan unnecessary. Regional directors shall personally approve all cases

of this character with full consideration being given to the fact that it is the general policy of the FSA to make loans only to eligible persons who cannot obtain them from other sources under reasonable terms.

(m) An applicant for an FE or FD loan must have personally operated the tract of land which he wishes to enlarge or develop not less than twelve months prior to the date of his application, and in general, preference should be given to applicants who have resided on such land more than twelve months.

(n) An FE loan may be made to an applicant with an equity in an undivided estate to enable him to purchase the interests of the other heirs, and the proceeds of the loan may be used to satisfy the borrower's share of any liens or encumbrances outstanding against the estate (subject to the limitations in paragraph (k) of this section). However, no part of the loan shall be used for the payment of any equity held by the borrower which is free from encumbrance.

(o) The farm or tract of land which an applicant desires to enlarge with the proceeds of an FE loan must be definitely less than a family-type farm, even though adequately improved and properly farmed. Borderline cases should be avoided. On the other hand, the applicant should be primarily a farmer. The aim is to enlarge farms on which actual farmers have been unable to make a satisfactory living. It is not to convert suburban homes or well established part-time farms into family-type farms.

(p) Applicants for FD loans shall be RR borrowers, or applicants for RR loans, who cannot achieve complete or successful rehabilitation without the benefit of an FD loan.

(q) While TP and FE applicants shall not be restricted to RR clients, it is to be expected that many qualified applicants will be found in the ranks of RR borrowers who have demonstrated their willingness to cooperate and their ability to succeed. County committeemen and county supervisors should give careful consideration to such cases. (Sec. 41 (i), 50 Stat. 522; 7 U.S.C. 1015 (i), and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 611.1, Aug. 22, 1942]

PART 366—FARMS

§ 366.11 *Criteria for selection of farms.* Consistent with the provisions of the Bankhead-Jones Farm Tenant Act and the policies outlined herein, each applicant shall be given wide latitude in the selection of the farm, or tract of land for enlarging his farm, which he desires to buy.

(a) *General.* (1) Certain general requirements for farms are given in Title I of the Bankhead-Jones Farm Tenant Act, sections 1 (c), 2 (b), and 5.

(2) Making a loan depends upon a satisfactory title to a family-type farm being vested in the borrower, and the furnishing of a certificate of survey, where necessary. For this reason, some preliminary investigation should be made relative to the title of any land already owned by the applicant as well as all land being purchased. This should be

done before valuable time is lost in considering other aspects of the farm.

(3) The county committee should check the family-type farm to see that it has base acreages and assigned yields or productivity indexes upon which soil conservation payments are made. The checking of base acreages and assigned yields is important so long as they remain a method of determining the extent of participation of the operator in the AAA program.

(4) Preferably farms should consist of contiguous tracts of land. They may consist of non-contiguous tracts but if so they must be so situated with respect to each other that the combined unit can be conveniently and efficiently operated as a family-type farm. It is especially important that this be carefully considered in the making of farm enlargement (FE) loans since the question of operating noncontiguous tracts is more likely to arise in connection with this type of loan.

(b) *Farm land.* (1) Loans shall be made only for the purchase or development of family-type farms, or for the enlargement and development of uneconomic units into family-type farms. Such farms should not be larger than an average farm family can operate successfully without employing outside labor, except during brief peak load periods at planting or harvest time. In individual cases, allowance may be made with respect to employing outside labor while children are too young to be of much assistance or after they have grown up and left home. A farm on which a tenant family will be expected to reside and supplement the labor of the owner and his family or on which an average family would require hired help a considerable part of the time is not a family-type farm and shall not be approved.

(2) A rule which should be applied unalterably with respect to family-type farms which are purchased, or enlarged and developed with the proceeds of TP or FE loans is that they should, when developed, have capacity to yield incomes which will maintain borrowers according to acceptable living standards, pay annual operating expenses, pay for and maintain necessary livestock and farm and home equipment, and pay off TP and FE loans, and that they shall be available at prices consistent with their earning capacity. Non-farm income will not be considered in determining whether the farm as finally developed will be a family-type farm.

(3) A flexible policy shall be pursued in determining whether a farm developed with the proceeds of a Farm Development (FD) loan will ultimately be an economic family-type unit. In order to serve the most needy families in poor land areas, it may be necessary to approve loans in excess of amounts likely to be repaid solely from farm income.

(4) A farm which is temporarily in such condition that it will not yield sufficient income to cover all the purposes stated in paragraph (2) may be selected and payments of principal and interest deferred during the first few years of the

loan. The deferment period for TP and FE loans may be one or two years and for FD loans one to five years, subject to the following conditions: (i) When the farm is in such condition that clearing, drainage, irrigation, fertilizing or other farm development and soil improvement practices must be applied for some time and over a considerable area of the farm before the farm can be made to produce sufficient net cash income to meet the fixed charges of land ownership. [FSA Instr. 658.1, Dec. 9, 1942, par. IV B 1] (ii) When the borrower requires one or more years to produce the necessary feed supplies and build up his livestock enterprise before sufficient net cash income can be realized to meet the fixed charges of land ownership. [FSA Instr. 658.1, Dec. 9, 1942, par. IV B 2]

(5) In conformance with the intent of the Bankhead-Jones Farm Tenant Act, TP loans and FE loans shall be made only for the purchase or enlargement of farms which it is assumed will be self-liquidating without the use of grants.

(6) An FD loan may be made in connection with a farm, the income from which, as indicated by farm and home plan estimates, will need to be supplemented by outside income or grants during the early development period, provided the borrower's long-time plan indicates that such grants will not be needed after five years, and provided further that grants will not be given when the annual income exceeds needs for family living, farm operation and depreciation costs set up in the approved Farm and Home Plan.

(7) FO loans shall not be made in areas designated for retirement from agriculture by Federal, state or county land use planning agencies, or areas so poor that they are likely to be so designated when land use studies are made. Outside of such areas it will be necessary in order to assist persons in greatest need of FO loans to make such loans in areas including poor as well as good land. When loans are made for the purchase of poor land, unusual care must be exercised to see that it is purchased at a price in line with its earning capacity, and that the farms purchased or enlarged constitute economic farm management units. Land that is worn out, eroded, foul and weedy, cannot be restored to productivity quickly or without great effort and expense. This fact should be taken into account in determining the present value of the land.

(8) In selecting farms for purchase, enlargement or development, county committees should give due consideration to roads, schools, markets, and other community facilities. They should also consider the tax rate on farms and the bonded indebtedness incident to irrigation, drainage, or other type of improvements.

(9) When a farm is not on a public road, it is essential that there be a satisfactory legal right-of-way to the farm.

(10) In so far as practicable, loans shall be made for the purchase of lands now in cultivation. However, this policy shall not preclude the purchase of a tract of raw land for the purpose of farm en-

largement if the unit to be enlarged is already largely in cultivation.

(11) When satisfactory individual farms cannot be secured in any county in which TP loans are to be made, consideration shall be given to the subdivision of large tracts. (See FSA Instruction 622.2 for details.)

(c) *Mineral rights.* (1) It is the general policy of the FSA that a borrower shall hold all of the mineral rights in land purchased, improved, or refinanced with the proceeds of FO loans. In some instances, however, vendors may refuse to transfer mineral rights or such rights may be wholly or partially vested in third parties. In such situations, regional officials are to be guided by the principle that, with respect to the minerals, the borrower should make as good a bargain as is possible in the circumstances. The regional director, after satisfying himself that all practical efforts to obtain 100% of the mineral rights have been made, may approve the loan if (i) the borrower has, or is able to obtain, a portion of the mineral rights or guaranties of compensation, either of which is deemed adequate protection against loss in the event that the minerals are developed, or (ii) the regional director determines that there is little likelihood that the mineral rights will be developed. (This determination may be made on a county-wide basis or for a group of counties, provided the situation with respect to minerals is similar or widespread in the county or group of counties.)

(2) If the borrower does not have or cannot obtain either a sufficient portion of the mineral rights or adequate guaranties of compensation, and the regional director cannot determine that there is little likelihood of development of the minerals, the loan may be approved only if the regional director finds (i) that the situation with respect to the minerals will not jeopardize the security interest of the Government, and (ii), in the case of a TP loan, that it is not practicable for the borrower to select another farm. (Rev. 1-21-43)

(3) In any case where the FO farm is subject to mineral reservations, approval of the loan in accordance with subparagraph (1) or (2) of this paragraph shall be dependent upon a finding by the regional director that the reservation in question does not render the farm less than an economic farm management unit. Reservations authorized on behalf of a vendor should embrace the smallest fraction of the mineral rights and run for the shortest time to which the vendor will agree.

(d) *Improvement standards.* The welfare of the borrowers, broad general benefits to be gained by the ownership or development of family-type farms, and the security of the loans made require that certain minimum standards be established with respect to buildings and conveniences on farms purchased, enlarged or developed with FO loans. These minimum standards, listed below, must be interpreted in each case with judgment. Emphasis upon the letter

rather than the spirit of a certain requirement may do more harm than good. Concessions that involve compromising the whole principle of standards must on the other hand be avoided.

(1) Windows and doors shall be in good repair and properly screened, and shall be in sufficient number to provide adequate light and ventilation.

(2) Privies must meet State Health Department approval in design and location.

(3) The water supply shall come from wells, springs or cisterns, should be constant, and shall be uncontaminated from surface seepage. Wells and springs should be located to avoid pollution from barns and outdoor toilets. Wells shall have concrete slab covers with sanitary type pumps properly installed. Springs and cisterns must be kept clean and tightly covered.

(4) Foundations must be adequate and sound, and floors in good condition.

(5) Roofs must be water-tight. Exterior walls of wood should in general be protected by paint or other preservative. This may not be practical, however, in the case of old structures with very rough exterior finish.

(6) Chimneys must be so constructed and in such repair that they are not fire hazards. New chimneys should be built from the ground up with a clay tile or other suitable lining. Old chimneys should be examined thoroughly. They should be well braced when not built to the ground, the mortar joints should be tight, and no frame should be built into the chimney.

(7) Sleeping quarters should be adequate to meet family needs.

(8) Walls and woodwork should be fresh, clean, and in good repair.

(9) Ceilings, especially in the kitchen, must be not less than seven feet four inches high for all new dwellings, and in cases of remodeling this standard should be met in so far as practicable.

(10) Kitchens in both new and old houses should be adequately lighted and ventilated, properly equipped with sinks, cupboards, drawers and an adequate amount of working surface to meet the requirements of the particular family.

(11) Steps leading into the house, upstairs and into the cellar should be made safe and firm. The upstairs and cellar steps, especially, should be protected by handrails.

(12) There should be adequate provision for storing food, clothing, utensils, tools, produce, and so forth.

(13) There should be adequate shelter for poultry and livestock.

(14) No attempt should be made to repair buildings that are in such condition that they should be demolished and replaced by new structures. On the other hand, structures having several years of useful value should not be destroyed.

(15) The above requirements may be further added to by regional directors in order to meet local needs. (Sec. 41 (i), 50 Stat. 522; 7 U.S.C. 1015 (i); and Sec. Memo. 738, Sept. 30, 1937; 2 F.R. 2077) [FSA Instr. 621.1, Aug. 22, 1942]

Subchapter H—Rehabilitation

PART 373—STANDARD METHODS

- Sec.
- 373.11 Standard rural rehabilitation loans; criteria and county office routine.
- 373.13 Loans to participate in the activities of 4-H clubs and similar organizations.
- 373.21 Farm tenure improvement program; criteria and county office routine.
- 373.41 Farm debt adjustment program.

§ 373.11 *Standard rural rehabilitation loans; criteria and county office routine.* This section prescribes the policy and method of making standard RR loans to RR and FO borrowers and MA occupants. As used herein the term "county office" will be construed to include project office and the terms "district" and "county" supervisor will be construed to include community managers.

(a) *Purpose of the rural rehabilitation program.* It is the primary purpose of the rural rehabilitation program, through financed and supervised farm and home plans, to secure maximum employment of low-income farm families in the production necessary to the war effort. This will be accomplished by the development of enterprises on farm units which will employ the principal portion of family labor in the production of food, fibers, and other farm products needed in the war program. If limited farm resources prevent full time employment of family labor (and additional resources cannot be obtained from an enlarged family enterprise) the surplus manpower should be used to supplement the agricultural and industrial labor needs of the community. This mobilization of manpower should further the rehabilitation of families by providing sufficient cash income for meeting annual farm and home operating expenses, maintaining a healthful and otherwise satisfactory level of living, capital depreciation, repayment of obligations and for participation in the social, educational and economic activities of the community.

(b) *Families eligible for standard loans.* Low-income families, including owner-operators, tenants, sharecroppers and farm laborers with sufficient available family manpower for farm and home operations, except possibly at peak seasons, will be eligible for standard loans, *Provided:*

(1) They can conduct (i) approximately full-time operations on farms which effectively utilize available family manpower, or (ii) part time farming operations which may be supplemented by off-farm employment that will not interfere with successful operations of the farm in order to maintain full employment and a satisfactory level of living.

(2) There is need of supervised and financed farm and home management services of the FSA, together with willingness to assume the necessary responsibilities in order to make an effective contribution to the Nation's war effort.

(3) The family is unable to obtain adequate farm and home financing at reasonable rates and terms from sources other than the FSA.

(4) There is reasonable possibility of repaying the loans.

(5) The family's health and level of living can be maintained or improved.

(6) The family has some background of rural experience and shows evidence of having or being able to develop acceptable industry, skills, and managerial ability deemed necessary to conduct a farming enterprise.

(c) *Purpose for which loans may be made.* (1) Loans may be made to heads of families eligible as standard borrowers to provide for family and farm expenditures (except for the purchase of land) when the approved Farm and Home Plan indicates that such expenditures are necessary for successfully conducting the family's war production program and the rehabilitation of the farm family. The family and farm expenditures may include, but will not be limited to, the following items: livestock, farm equipment and furnishings, minor repairs and improvements for the farm and/or home; participation in group health, hospital and/or dental services; for emergency health services and for correction of physical conditions.

(2) Loans will not be made for refinancing, either secured or unsecured debts, except in extreme cases where the refinancing of non-real estate debts is determined to be absolutely necessary to (i) save valuable equities in livestock or equipment essential to the war effort and/or (ii) where the refinancing of non-real estate debts results in an adjustment without which the family could not utilize its resources in the war effort. Such exceptions will be made only after the county FDA-TI committee has contacted the creditors; has made a determination regarding the financial status of the family, and has certified that it is impossible for the family to utilize its resources in the war production program without such refinancing. Every effort should be made to arrive at agreements with creditors to provide for the adjustment and extension of debts on the borrower's ability to pay out of future farm income after deducting annual living and farm and home operating expenses as set forth in the approved Farm and Home Plan.

(d) *County RR and FDA-TI committees.* In working with applicants and borrowers the services of the county RR committee can and should be used for the review of applications; where information is needed regarding the farm experience, need and suitability of applicants; when their advice might be useful in solving problems of families involving psychological, social or physical considerations or involving special servicing problems; and in instances where help is needed to develop group activities among borrowers and applicants. The county FDA-TI committee should be used to study and assist in obtaining needed adjustment of the credit structures of applicants and borrowers; to study and assist in obtaining needed adjustment of tenure arrangements; and to assist groups of families, including borrowers and applicants, to understand and work out suitable adjustments of debt and tenure arrangements of the groups.

(e) *Coordination with Farm Credit Administration and other established credit agencies.* (1) It is the policy of the FSA to cooperate with the agencies of the Farm Credit Administration, and other established credit organizations, as far as practicable, and in such a manner that will further the production of food and fiber necessary for the war effort and the rehabilitation of the families. Applicants who appear eligible for adequate financial assistance on suitable terms and conditions from such other agencies will be referred to them. The FSA will not make loans to persons who are indebted to an agency of the Farm Credit Administration who have executed chattel mortgages to such agencies covering property necessary for the continued operation of their farms, except where specifically provided for in special agreements with the Farm Credit Administration. Memoranda of Understanding and Statements of Policy with the Production Credit Association, Federal Land Banks, and the Emergency Crop and Feed Loan Section are to be used as guides for working relationships.

(2) Cooperation with local banks and other local credit agencies (including agencies making Federal Housing Administration insured loans for improvement and construction) will be guided by administrative procedures and FSA practices and policies. Our voluntary debt adjustment services are available to such agencies.

(3) Field personnel of the FSA will immediately advise the appropriate administrative officials of any changes which they believe necessary to further the cooperation with other agencies and to further the farm and family program of low-income families.

(f) *Interest and amortization.* (1) Interest will be charged at the rate of five per cent per annum on RR loans and renewals thereof, except for special types of loans for which other rates of interest are provided for in FSA Instructions. Interest will accrue on principal only and will not be compounded.

(2) Repayment of principal on RR loans will be arranged in one or more annual instalments coinciding with seasonal receipts of revenue from farm operations for periods of not to exceed ten years. The terms of loans will be established in accordance with the following:

(i) The portion of loans used for annual operating expenses must be scheduled for repayment from income derived during the crop year for which such advances were made.

(ii) Loans for purposes other than annual operating expenses will be scheduled for the minimum repayment period consistent with the borrower's ability to repay as shown in the Farm and Home Plan provided that the term of the loan does not exceed the life of the item for which the loan was made, either through depreciation or exhaustion. Generally, the annual minimum repayment in such cases should not be less than the annual net depreciation or exhaustion plus interest on the principal balance.

(iii) Subject to the limitations in paragraph (f) (2) (ii) of this section, loans made for purposes other than annual

operating expenses may have the initial payments deferred or graduated under one or more of the following conditions:

(a) The necessity of carrying out soil improvement and other farming operations for which there will be no immediate return to the borrower.

(b) The beginning of farming operations under a supervised plan at a season of the year when cash income will not result for a period of over 12 months.

(c) The necessity of meeting repayments on obligation to creditors other than the FSA in cases where the total obligations have been determined to be within the debt carrying ability of the borrower and the farm.

(g) *Security.* The approval of a standard RR loan in the first instance, or a renewal thereof, will ordinarily be predicated on the probabilities of orderly repayment of the loan on the basis of farm income in accordance with the original Farm and Home Plan, or a revision thereof, rather than the security available—either chattel or real. However, it is the policy of the FSA to take a first lien on sufficient available property to secure standard RR loans or renewals thereof, and to safeguard the financial status of the borrower during the process of rehabilitation. As a general rule, it is considered that the rehabilitation of the borrower can best be achieved by providing all his credit needs from FSA funds during the period of his rehabilitation. It is, therefore, the policy of the FSA not to subordinate FSA liens to either Federal or non-Federal agencies or individuals except as authorized in § 376.41 and existing memoranda of understanding.

(1) *Basic security.* Standard RR loans will be secured in the full amount of the loan by a first lien on the crops growing, or to be grown by the borrower, and a first lien on any livestock or equipment purchased with the proceeds of a loan; except that in areas where local law gives the landlord a prior lien on crops and it is impossible to obtain a subordination from him, the best crop lien obtainable will be taken. The basic form to be used in obtaining this security is Form FSA-LE 30.—Crop and Chattel Mortgage. The description of property used in security instruments should be based upon actual sight inventories made on the farm which have been properly reconciled with existing security records. Form FSA-LE 30.—will be prepared in an original and two copies (three copies if instrument is to be filed). The original (if recorded) or a conformed copy (if the original is filed) will be retained in the county office file; one copy will be placed in the field folder and the remaining copy will be given to the borrower. Regional office instructions will be issued governing the preparation, execution, and recordation of these instruments, in line with particular state statutes governing such transactions.

(2) *Additional security.* When additional security is required or desirable because of the nature of the loan, there may also be taken on Form FSA-LE 80, "Assignment of Proceeds from the Sale of Agricultural Products", an assignment of the proceeds from the sale of the farm,

dairy or other agricultural products; or on Form ACP-69, an assignment of ACP benefits, which under certain conditions listed below may secure payment of all or a part of moneys that may become due the borrower under Section 8 of the Soil Conservation and Domestic Allotment Act, as amended; or a lien on other personal property (to be included in Form FSA-LE 30.—); or a real estate mortgage or deed of trust on property owned by the borrower on Form FSA-LE 76.—, Real Estate Mortgage; or an assignment of a leasehold in states when the regional office advises that such security under the state law will give the Government substantial security, without danger of liability under the lease, together with a lien on the improvements erected in conformance with the leasehold contract, particularly when such improvements are financed by the FSA.

(3) *Real estate as additional security.* Real estate as additional security for standard RR loans should be taken only in most unusual circumstances, and only when the regional office has previously determined that the taking of such security is in the best interests of the borrower and the Government. In such cases the regional office will issue instruction for the recording and handling of real estate mortgages. Under no circumstances should junior liens on real estate be taken unless such liens would have appreciable value over and above prior liens or encumbrances.

(4) *ACP assignments as additional security.* ACP assignments as additional security will be taken in connection with standard borrowers or applicants for standard loans at the determination of the RR supervisor or in accordance with policy outlined by the regional office in areas where special conditions justify a uniform practice for all standard borrowers. However, when there is adequate security for a standard RR loan, an assignment should be taken only if it is justified by the individual circumstances of the case and if it is in the interest of the borrower. All assignments taken by the FSA are subject to the requirement in the Soil Conservation and Domestic Allotment Act to the effect that assignments may be taken only for amounts advanced to finance the current crop. No assignments will be taken to secure any pre-existing indebtedness. Assignments may not be taken as security for income retained in supervised bank accounts. An ACP assignment will not be effective against any payments other than those made for participation in the Agricultural Conservation Program in the year current at the time the assignment is taken.

(i) *Purpose and scope of assignments.* A payment which may be made to a farmer (hereinafter referred to as "borrower") under section 8 of the Soil Conservation and Domestic Allotment Act, as amended, may be assigned only as security for advances in cash or kind to finance making a crop. To finance making a crop means: (a) To finance the planting, cultivating, or harvesting of a crop; (b) to provide food, clothing, and other necessities required by the bor-

rower or persons dependent upon the borrower for the purpose of making a crop; (c) to finance the carrying out of soil building or range building practices; (d) to finance the purchase of equipment required for the making of a crop. If any advance is to be repaid over a period of more than one year, only the amount of instalments maturing during the crop year for which the advance was originally made may be included in the assignment. Subsequent instalments may not be secured by ACP assignments. Assignments may not be taken to secure the payment of the whole or any part of a cash or fixed commodity rent for a farm. Assignments made orally or in writing on forms other than Form ACP 69 will not be recognized by the county Agricultural Conservation Association (ACA) office.

(ii) *Preparation and transmittal of lists.* The AAA will not recognize assignments to outside creditors by standard borrowers whose current needs are being met through advances made by the FSA, except as provided for in paragraph (g) (4) (iii) of this section. In order to facilitate the AAA in carrying out this policy, the RR supervisor will prepare and forward to the local county ACA office a list by county of all standard borrowers whose credit needs are being provided for by the FSA and all applicants for standard RR loans for whom Farm and Home Plans have been approved by the district RR supervisor. A separate list will be prepared for each county under the FSA office supervision. The names on each list will be shown, surname first, then Christian names and initials, in alphabetical order by surname. Each borrower's address will be shown on the same line as the name. Each list must be triple-spaced. Lists will be prepared in an original and one copy, the copy to be retained in the county office for reference and the original to be transmitted to the proper county office of the ACA. Each list must be kept up-to-date at all times by individual notices to the local ACA office of additional applicants whose Farm and Home Plans have been approved, applicants already on the list who have subsequently been rejected, borrowers whose addresses have been changed, and borrowers whose loans have been repaid in full. It is important that the Agricultural Adjustment Administration be kept informed as to the current addresses of the FSA county offices. If territory is reassigned or county office addresses changed, the list maintained by the Agricultural Adjustment Administration must be revised to reflect such change. This should be accomplished by the collecting official notifying the local ACP office of the change.

(iii) *Relinquishing rights to an ACP assignment.* Regional directors and assistant regional directors are hereby authorized to relinquish on the part of the FSA, its exclusive right to an ACP assignment when justified by special circumstances. This authority may be generally redelegated to district RR and RR supervisors for cases where the FSA is unable to provide standard borrowers the current financing necessary to permit

their maximum participation in the production of food and fibre. When a determination has been approved to relinquish such right, the RR supervisor will, if the borrower's name has already been included on the list sent to the local county ACA Office, notify such office in writing that the borrower's name should be deleted from the list. If the borrower's name has not been included on the list, no further action on the part of the RR supervisor is necessary.

(iv) *Priority of assignments.* The placing of a borrower's name on the list given the ACA will prevent the subsequent filing of assignments to outside creditors or other Government agencies. However, it will not affect the priority of assignments already filed. Obligations owing to the AAA or Commodity Credit Corporation have priority over assignments regardless of the date of filing. The placing of a borrower's name on the list also will not affect the priority of set-offs which may be filed by other agencies prior to or subsequent to the date of the list.

(h) *Execution, recording and filing of security documents—(1) Authority.* RR supervisors are authorized to execute, accept, file or record any legal instruments necessary or desirable to obtain security for loans, including mortgages and similar lien instruments (where the holder of a mortgage or other lien is required to execute the instrument) and affidavits, acknowledgments and other certifications (where the mortgagee must execute such a certification under state law). RR supervisors are authorized to accept, file or record subordinations and non-disturbance agreements, assignments and other documents necessary to the obtaining of security. RR supervisors are authorized to act as agents and as attorneys-in-fact for the United States, the Secretary of Agriculture and the FSA in performing these functions.

(2) *Fees.* Statutory fees for filing or recording mortgages or other legal instruments (including renewal mortgages or statements, or Form FSA-LE 126, "Affidavit of Extension and Renewal") incidental to loan transactions and fees for commercial lien searches, will in all cases be paid by or charged to the account of the borrower. RR supervisors will be expected to collect all necessary fees from the borrower in payment for recording, filing, or other similar action, at the time of delivery of the loan check or at the time of execution of new or renewal security. In each instance in which cash is accepted by the RR supervisor or other FSA personnel to be used to pay the filing fees or cost of recording of security instruments, Form FSA-385, "Acknowledgment of Payment for Filing or Recording Fees", will be executed in an original and copy. Books of serially numbered Acknowledgment Forms will be issued to RR supervisors by the regional office. The original will be given to the borrower and the copy will be retained in the book. It is important that the RR supervisor or other personnel who accept custody of such fees make it clear to the borrower that the amount so accepted is not received by the Government as a credit

on the borrower's loan indebtedness, but is accepted only for the purpose of paying the recording or filing fees in behalf of the borrower. RR supervisors will obtain written receipt for disbursement of the fees collected, either in the blank space at the bottom of the retained copy of the Acknowledgment Form, or on a separate receipt form issued by the county clerk or other official performing the service for which the fee was collected. If a separate receipt is obtained, it should be securely fastened to the book of copies of the Acknowledgment to be retained permanently in the county office. If the borrower is without financial resources, and the necessary fees cannot be collected from him in advance, the RR supervisor may pay such fees by means of Standard Form No. 1034, "Public Voucher for Purchases and Services Other Than Personal". In cases where local recording officials or others will not or cannot accept Standard Form No. 1034 in payment of such fees, the RR supervisor may pay such fees in cash and obtain reimbursement by means of a separate Standard Form No. 1012, "Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel". Where payment of recording, filing or other fees chargeable to the borrower is made by means of Standard Form No. 1034, or where the fee is paid in cash and reimbursement is sought through Standard Form No. 1012, the voucher, in either case, must contain instructions that the amount of such fee be charged to the account of the borrower for whom the fee has been paid. Such claims for reimbursement must not be included on the same voucher as claims for mileage and per diem reimbursements, and will be submitted in an original and two copies. Wherever possible, the RR supervisor must avoid paying recording and filing fees in cash and seeking reimbursement through Standard Form No. 1012 because of the additional cost incident to the transfer of such charges to the borrower's account when they are paid in this way. [FSA Instr. 731.1, Nov. 9, 1942, pars. I, II, IV, V, VII, VIII, IX, XI A-XI D4, and XII G]

§ 373.13 Loans to participate in the activities of 4-H clubs and similar organizations—(a) General. (1) Loans not exceeding seventy-five dollars (\$75) may be made jointly to borrowers and their children, for the benefit of the latter, to finance participation in the activities of 4-H clubs, Future Farmers of America, approved vocational agriculture groups, or similar organizations. It will be expected that the majority of these loans will be for less than fifty dollars (\$50). These loans will be referred to as "club loans".

(2) Club loans will be used, ordinarily, to purchase a calf, a pig, chickens, or other livestock but they may likewise be used to purchase seed, plants, fertilizer, and so forth, where these are to be used in connection with types of projects approved by the county extension agent.

(3) Loans for participation in 4-H club activities will be submitted with the concurrence of the county extension agent and only when the RR supervisor

and the county extension agent are satisfied that the boy or girl can use the loan properly and profitably.

(4) In the case of loans for membership in Future Farmers of America, vocational agriculture classes, or similar organizations other than 4-H clubs, the recommendation and concurrence of the vocational agriculture instructor or the local supervisor of that organization will be obtained in a similar manner.

(5) Wherever possible, club loans should be made as a part of original or supplemental standard RR loans so as to avoid the preparation of separate loan dockets for these small loans, but they may be made as separate loans in which case they will be considered supplements to standard loans.

(6) For every club loan it is essential that a separate note be prepared and signed by both the client and club member and that a separate check be issued in favor of the client and club member. The purpose is to create a sense of responsibility in the club member and to develop his initiative and self-reliance. Club members should be made to feel that these loans are their own separate obligations and that they are fully responsible for repaying them.

(7) The routine for making club loans will be generally the same as for standard loans and the same forms will be used. [FSA Instr. 731.3, rev. Feb. 13, 1941, par I]

§ 373.21 Farm tenure improvement program; criteria and county office routine—(a) Policy—(1) Tenure improvement program. The FSA will conduct a systematic program designed to provide more equitable and secure tenure arrangements for the mutual benefit of both tenants and landlords. This activity will apply to RR clients (FSA and state RR corporation) and to applicants or potential applicants of RR loans.

(2) *Approval of tenure arrangements; existing RR clients.* Farm Security Administration employees will use every reasonable and practicable means to promote improved tenure and leasing arrangements for existing RR clients and especially in connection with applications for supplemental loans. County RR supervisors will inquire into the tenure arrangements of applicants for such loans as part of the procedure in the preparation and recommendation of loan applications. However, additional loans or other aid to existing RR clients, except loans for permanent improvements, will not be withheld solely because of the client's inability to procure a written lease if satisfactory conditions and reasonable security of tenure can be provided otherwise.

(3) *Approval of tenure arrangements; new or prospective RR clients.* RR supervisors will inquire into the tenure arrangements of all new tenant farmer applicants for standard RR loans as part of the procedure in the preparation and recommendation of loan applications. The regional office will not approve such a loan to a new or prospective RR client unless the loan application is accompanied by a lease which provides equitable tenure arrangements and gives

the tenant reasonable security of tenure. The lease must go on an approved FSA lease form, or in special cases, on another form acceptable to the regional director or his delegatee. However, if in special cases, it is the judgment of the regional director or his delegatee that injustice would be done an applicant, and, if satisfactory conditions and reasonable security of tenure can be provided otherwise, the foregoing requirements may be waived upon written recommendation of the RR supervisor, except in connection with loans for permanent improvements.

(4) *Loans for permanent improvements.* An RR loan for making permanent improvements on a leased farm will not be made to the tenant farmer unless he has a written lease which provides definite security of tenure until he has received full benefit of the improvements, or which provides that he will be equitably compensated for such improvements if the lease is terminated or expires before full benefit of the improvements is realized or unless there is a definite agreement between the tenant and the landlord by which the tenant will be compensated or credited on rent for expenditures in making such improvements.

(5) *Community and cooperative loans.* Applications for community or cooperative loans to individuals should conform insofar as possible to the same general policy of security of tenure for the period of the loans as is required for standard RR loans. There should be reasonable security of tenure for the period of the loans to insure borrowers and participants continued benefit of the services. As a general rule, approval of community and cooperative loans will not be withheld solely because of the borrower's inability to secure acceptable tenure arrangements. However, efforts will be made to obtain the most favorable tenure arrangements possible.

(6) *Tenure improvement for low-income farmers who are not RR borrowers.* Upon request, other low-income tenant farmers who are potential applicants for RR loans, and their landlords, may be furnished approved lease forms and be given assistance through the tenure improvement program in working out satisfactory tenure arrangements. [FSA Instr. 732.1, Oct. 25, 1939, par. II]

§ 373.41 Farm debt adjustment program—(a) Policy. (1) It is the policy of the FSA to facilitate by impartial mediation the adjustment of excessive debts to farmers; to encourage and assist voluntary state and county FDA committees in their efforts to make such adjustments, and to render FDA service without charge of any kind to the debtor or his creditors.

(2) In general, loans may not be made to refinance outstanding debts, except as specifically authorized under the provisions dealing with the purposes for which standard loans may be made.

(3) It is not the policy of the FSA to encourage or assist any person to avoid payment of bona fide debts within his ability to repay. It is expected that each debtor shall meet his obligations to the limit of his ability.

(b) *Persons eligible.* The persons eligible for FDA service are:

(1) RR clients and other farm owners, farm tenants, farm laborers, or sharecroppers who:

(i) Are indebted beyond their ability to repay.

(ii) Carry an excessive burden of debt by depriving themselves and their families of necessary subsistence.

(iii) Need assistance in making arrangements with their creditors for more equitable or longer term repayment schedules.

(iv) Are in need of advice or assistance concerning agricultural refinancing.

(2) Creditors of the persons listed above. [FSA Instr. 733.1, Oct. 25, 1938, pars. III and IV]

PART 374—EMERGENCY METHODS

Sec.

374.11 Rural rehabilitation grants; criteria and county office routine.

374.12 Grants to resettlement and migrant farm families.

374.21 Emergency rehabilitation loans; criteria and county office routine.

§ 374.11 *Rural rehabilitation grants; criteria and county office routine—(a) General policy.* (1) FSA personnel will cooperate fully with state and local welfare agencies in an effort to prevent duplication of relief, and in such other respects as may be appropriate and consistent with this instruction. (For example, arrangements may be made for referral by state and local welfare agencies of applicants for grant aid to the local office of the FSA, and vice versa, final determination of eligibility and need to be made by the FSA on the basis of a personal investigation of each applicant by the RR or HM supervisor with only such exceptions as are provided herein.)

(2) Applicants for grants will be required to make every effort to provide their needs from farm income, outside labor, or other current resources, and, in the case of farm operators, by borrowing, prior to approval of a grant, to the extent of their ability to repay.

(3) Where necessary, grants may be used to balance the Farm and Home Management Plans of standard RR borrowers. Such grants may be used only for temporary supplemental assistance and, as soon as possible, the income producing ability of the family should be developed by such provision for additional land, added farm enterprises, or increasing the productivity of the land as will make further grant aid unnecessary. In no case will grants be used as a substitute for adequate debt adjustment, tenure arrangements, proper land use, conservation practices, and adjustments in farm organization and farm and home economy.

(4) In recognition of such assistance, grant recipients, with only such exceptions as are provided herein, will be required to perform certain prescribed work on the farms they occupy. This work will be described in writing on Form FSA-RR 197, "Pledge of Cooperation", agreed to by the recipient, and in each case will be calculated to contribute

to the economic welfare of the family unit.

(5) Group use of the facilities provided through grants, and the group purchase of subsistence and other goods will be encouraged. (Where grants are made for the purchase of pressure cookers, for example, it may be possible for a group of client families to make joint use of the facility and thus reduce the amount of grants which would otherwise be required by the client families participating in the group. In the instance of subsistence grants, it may be possible for clients to obtain better goods at lower prices by joining a purchasing cooperative organization and making necessary purchases on the basis of approved standards.)

(6) Except in the case of victims of catastrophes, grants will not be made to a farmer renting land which an RR supervisor or any other employee of the FSA or his immediate family owns or controls or has a substantial interest in.

(b) *Eligibility.* Grants may be made to low-income farm families who have capacity and willingness for self-help and who are in need of public aid. Families in need of public aid whose members are permanently incapacitated physically or have no capacity for self-help will not be the responsibility of the FSA. The following are eligible to receive grant assistance for approved purposes, subject to the availability of funds and such conditions and other provisions as are contained herein: *Provided, however,* That those Indians for whose relief moneys appropriated to the Bureau of Indian Affairs, Department of the Interior, by section 4 (a) of the Emergency Relief Appropriation Act, fiscal year 1941, are legally available, may not receive grants from the FSA. Therefore, no grants will be made to any Indian unless a certificate is obtained from a responsible field or other official of the Bureau of Indian Affairs that the applicant is not within the class described in the preceding sentence.

(1) Standard or non-standard RR borrowers (paid-up cases not included).

(2) Farm owner operators, farm tenants, sharecroppers, and farm laborers, including paid up standard and non-standard RR borrowers who are potential standard RR borrowers to whom loans cannot immediately be made.

(3) Victims of floods, droughts, storms, and like catastrophes, living in open rural areas.

(c) *Purposes.* (1) Grants may be made to eligible applicants for the following purposes:

(i) Subsistence needs (including food, clothing, fuel, shelter, garden seed, garden fertilizer, and implements and materials which will supply and be used only for supplying such subsistence needs) as are determined to exist after the careful preparation of a grant budget or "Farm and Home Management Plan".

(ii) Immediate medical care and hospitalization (as distinguished from participation in associations as set forth below) which is essential to the rehabilitation of the families.

(iii) Participation in health or medical associations, in those areas served by approved health or medical associations, provided it has been estimated that the applicants will not be in a position to pay for medical care from their own resources during the period for which the membership in such association, which will be purchased with the grant funds, will be effective. Grants for this purpose should not exceed the amount which might be loaned to a family for the same purpose in the same area, and will in no case exceed, in the aggregate, fifty dollars (\$50) to one family during any fiscal year. (In making grants for this purpose, care must be taken not to burden the association with a large number of families whose needs for medical services are so great as to endanger the insurance plan, if any, upon which the association may be founded. Plans for the establishment of associations in which the majority of members will participate through grants for that purpose, and where the total loans and grants to members will be in excess of ten thousand dollars [\$10,000], will require the prior approval of the Administrator.)

(iv) Sanitary facilities (including construction, repair, or change of location of sanitary privies, screening doors and windows of dwelling houses and milk houses; and construction or repair of wells, curbs, or covers of wells, cisterns, or springs to prevent pollution of the family water supply) considered essential to family health. Grants for this purpose may not exceed one hundred dollars (\$100) on one farm during any fiscal year and may be made only in areas designated by the regional director. (An association or informal group of grant recipients, through which funds may be pooled, should be utilized to make purchases of necessary materials for the construction, repair, and other work on the sanitary facilities, and educational program regarding the use of such facilities should be instituted. Grants may not be made for construction or repair of privies, or well curbs or covers, unless provision is made for supervision of the work. The services of an experienced sanitarian may be provided by the FSA or by some other Federal, state, or local agency or private organization to assist or supervise.)

(v) Essential household equipment (such as pressure cookers, canning jars, sealers, cooking and heating stoves, bed springs, bed clothing and mattresses, and required supplies, such as nails and lumber, for making essential minor repairs to buildings) where necessary to preserve health. (Wherever possible, clients should make their own bed clothing, mattresses, and furniture. However, if the client is unable to obtain materials for such purposes from income, such materials may be provided by means of grants not exceeding in the aggregate fifty dollars (\$50) to one family during any fiscal year. RR and HM supervisors will provide instructions if needed by the client.)

(vi) Other emergency purposes as may be specifically designated by the

Administrator to meet emergency situations (such as, among other things, flood, drought, crop failure, insect infestation, cyclone, hailstones, unseasonable freezes, and sharp drops in farm prices).

(2) Grants may not be made:

(i) For goods or services which the applicant can supply out of his own current resources or out of available farm family income, or where the debt paying ability of the farm family enterprise will justify a loan for the purpose.

(ii) To pay old debts, or to make repayments on any indebtedness to the Government or a state RR corporation.

(iii) For purposes which would permit a family to divert income, which should otherwise be used to meet its needs, for the payment of excessive debts or inequitable rental. (In other words, grant funds must not be used in such a way as to accrue indirectly to the unjustified benefit of creditors. In case the family owes debts which are beyond its ability to pay or has contracted to pay an inequitable rental, proper adjustments should be made before grants are approved beyond an initial grant for subsistence needs and immediate medical care and hospitalization. (See paragraphs (c) (1) (i) and (ii) of this section.) This will mean that proper adjustments of the debt structure of grant applicants must be made before or during the period of an initial grant, which period may in no case exceed two months.)

(iv) For purposes which will have the effect of perpetuating undesirable land use situations or obstructing conservation practices. (Where grant applicants are engaged in undesirable land use activities, necessary adjustments should be made before grants are approved, except where an initial grant for subsistence needs or medical care and hospitalization is necessary for immediate and pressing needs. Adjustments may consist of locating the family on another farm or getting the family to agree to perform approved conservation or other remedial practices under a "Pledge of Cooperation".)

(d) *Approval authority.* Regional directors are authorized to approve grants to eligible applicants for approved purposes, subject to such conditions as are contained herein, and may delegate that authority within the following limitations:

(1) For subsistence needs (paragraph (c) (1) (i) of this section) in amounts not exceeding thirty dollars (\$30) per month per family, to RR supervisors.

(2) For subsistence needs (paragraph (c) (1) (i) of this section and grants for immediate medical aid (c) (1) (ii)), to the assistant regional director, RR, and district RR supervisors.

(3) For participation in health and medical associations (paragraph (c) (1) (iii) of this section), to the assistant regional director, RR, and district RR supervisors.

(4) For sanitary facilities (paragraph (c) (1) (iv) of this section), to the assistant regional director, RR, and district RR supervisors.

(5) For essential household equipment (paragraph (c) (1) (v) of this section),

to the assistant regional director, RR, chief of the regional Home Management section, and district RR supervisors.

(6) For other emergency purposes (paragraph (c) (1) (vi) of this section), to such persons as may be provided by the Administrator in his designation of such other specific purposes as may be necessary to meet emergency situations.

(e) *Grant budget.* If the application is approved or recommended for approval, a grant budget on Form FSA-RR 59, "Three Months' Family Subsistence Budget", (unless a "Farm and Home Management Plan" has been prepared which provides for the grant) will be prepared by the HM supervisor or, where her services will not be available within a reasonable time, by the RR supervisor. This document will indicate the subsistence and medical needs of the family for the period and any prospective family income available, and may include such items as materials for essential minor repairs about the farm or home if such repairs are to be made in accordance with Form FSA-RR 197, "Pledge of Cooperation", and essential household equipment if a grant is to be made for that purpose.

(f) *Pledge of cooperation.* (1) Except as provided herein, the applicant and his wife, if any, will be required to execute Form FSA-RR 197, "Pledge of Cooperation", before the grant is made. This "Pledge of Cooperation" will be developed by the RR or HM supervisor with the applicant to provide, in writing, for performance by the applicant of constructive farm and home work calculated to contribute to his self-support and rehabilitation or to the improvement of the family living. Only such kinds of work as can be performed personally by the applicant and members of his family with simple equipment will be required. The "Pledge of Cooperation" will specify as definitely as possible the farm and home improvements to be made, their extent and amount and, if possible, a time limit. This form may specify the work to be performed over a period of more than one month, in which event it will not be necessary to prepare the form for each grant payment made during that period.

(2) All work required by the "Pledge of Cooperation" must be performed on the farm occupied by the applicant or on behalf of an association composed of grant clients. In the latter instance, the work will be of such a nature that it will directly benefit all the members of the association. All work should be carried out pursuant to competent and thorough instructions. In the case of land clearing or soil improvement, the work must be in accordance with approved land use and conservation practices and under competent supervision.

(3) When the work specified in a "Pledge of Cooperation" has been completed, the client will so signify by dating and signing his copy of the Form in the space provided and returning it to the RR or HM supervisor who, on his first farm visit thereafter, will check performance with instructions agreed upon in the "Pledge of Cooperation".

(4) In the event grants are made to families which, because of sickness or other similar reason, do not contain

temporarily any members physically able to perform work, the RR or HM supervisor may require the applicant to execute Form FSA-RR 197 and postpone performance of the work or, if circumstances justify, waive performance of the work. In either case, however, and before subsequent grants are made to such families, a narrative report of such action must be made to the assistant regional director, RR, for his approval.

(5) When emergency conditions, such as floods, droughts, and other natural catastrophes, make the performance of such work impracticable, the regional director may waive the execution of Form FSA-RR 197 and the performance of work thereunder. This authority must be exercised by the regional director personally and may be made applicable to one or more specific families or to areas.

(6) *Types of work which may be required.* The "Pledge of Cooperation" may specify any of the following or other similar types of work (in each individual case, however, due consideration should be given to the capacities of the applicant, the feasibility of the work and the materials and tools available): Initial setting out of gardens, fencing gardens, soil improvement, land clearing, repairing buildings and fences, painting buildings, cleaning up farm yards, developing irrigation systems for gardens, constructing farm gardens, constructing storage cellars, contour furrowing, eradication of noxious weeds, spreading manure, keeping production records, interior home improvements, farm and home beautification, improving sanitary facilities, and constructing soil and water conservation facilities.

(7) District RR supervisors upon each visit to county offices will check the type of work outlined on Pledges of Cooperation to see that such work is designed with a constructive purpose and will result in benefits to farm and home economy.

(8) *Compensation insurance.* Grant recipients performing work on their own farms in accordance with a "Pledge of Cooperation" do not qualify for Federal disability and death compensation, nor for benefit for accidents occurring in the course of such work.

(9) *Relation of size of grant to amount of work.* No standards will be adopted which will tend to correlate the size of a grant to the amount of work to be performed under a "Pledge of Cooperation" or vice versa. As provided elsewhere in this section, the size of any individual grant will be based entirely upon the needs of the client family. The work which grant recipients are asked to perform is for their own benefit. The RR and HM supervisors should keep in mind that grant recipients are not being asked to give dollar for dollar in work performed, but the client should be informed that he is being asked to cooperate with the Department of Agriculture in a joint effort to better himself to the maximum degree possible by the use of his own labor and other resources. Work should be coordinated with client's regular farming operations so that it will make for a balanced distribution of fam-

ily labor. One client may be requested to do more or less work for the same amount of grant aid than another client, depending upon the circumstances in individual cases. In no case, however, should a client be requested to perform work that is unduly burdensome in quantity or which involves unreasonable risks in performance. On the other hand, the amount of work required should not be so little as to be accomplished with negligible or nominal effort.

(10) Failure to perform work which a client has agreed to complete will be justification for discontinuing grant aid. This policy should not be applied harshly or in such a way as to inflict severe suffering on destitute persons.

(e) *Tenure improvement.* Whenever a grant will result in the improvement of a rented farm as a consequence of work performed in accordance with a "Pledge of Cooperation" or otherwise (such as construction of a privy or eradication of noxious weeds, and so forth), it will be the duty of the RR supervisor to assist the client in obtaining improved tenure arrangements which will compensate him either through extension of term of tenure, or provision for credit on rental payments for the value of the improvement. The client should have reasonable assurance of continued tenure until the full value of the improvement has been realized, or an agreement from the landlord to compensate the tenant for the unexhausted value of the improvement or to permit the tenant to remove from the premises any removable improvements placed thereon. Use of Form FSA-RR 186, "Flexible Farm Lease", and supplements thereto, or Form Agri-1, "Flexible Farm Lease", may be helpful in this connection. [FSA Instr. 741.1, rev. Dec. 21, 1940 (except pars. I, VI, VII, XI, XII, and XIII)]

§ 374.12 *Grants to resettlement and migrant farm families—(a) Scope.* This section applies to all grants made by the FSA to individuals and families now living on resettlement community or infiltration projects or tentatively selected for residence on such projects; to those living in farm family labor camps or homes; and to other migrant farm laborers. It does not apply to rural rehabilitation clients.

(b) *General policies.* Grants in money or goods may be made to meet emergency needs, to remedy health deficiencies and to compensate for temporary deficiencies in family incomes from farming or farm labor. Such grants may be made for subsistence needs, including food, clothing and shelter; medical care and participation in approved medical or health associations; and construction and repair of sanitary facilities. Grants for other purposes such as subsistence livestock, garden seed, fertilizer, and implements and materials for farm, garden and kitchen, to be used for subsistence purposes only; essential household furnishings; may be made only on the basis of special requests approved by the Administrator. Such requests will give complete information including the estimated number of clients and costs, the exact purposes and a justification.

(c) *Conditions under which grants may be made.* (1) Grants may be made to occupants on resettlement projects:

(i) When emergencies occur resulting from crop failures, livestock losses, or similar misfortunes, or when unfavorable health situations, such as inadequate sanitary facilities, exists for which there is no other provision in the Farm and Home Plans.

(ii) When the capabilities of the family, the productivity of the land or other major factors in production have not had a sufficient development period or there has been an insufficient period for the operation of the Farm and Home Plan to enable the family to become self-sustaining.

(2) Grants may be made to families tentatively accepted for occupancy on resettlement projects when the completion of sound Farm and Home Management Plans is made impossible by remediable health deficiencies or other emergency obstructions to final acceptance.

(3) Grants may be made to occupants of farm family labor camps and homes and other migrant farm laborers when emergency food, shelter, clothing and health deficiencies cannot be provided for with funds available from any other source. [FSA Instr. 741.2, Apr. 23, 1940 (except pars. II B, C, D and IV)]

§ 374.21 *Emergency rehabilitation loans; criteria and county office routine—(a) Purpose.* Emergency rural rehabilitation loans may be made to take care of the emergency rehabilitation needs, indicated below, which cannot be met through standard loans, and to facilitate a feed loan program under abnormal conditions, such as arise during drought and flood. The use of emergency loans must be restricted to emergency situations.

(b) *Persons eligible.* Persons eligible to receive emergency rural rehabilitation loans are:

(1) Drought, flood and storm sufferers and other farmers who are victims of disasters or catastrophes, whose emergency needs for feed or feed crops do not permit the preparation of standard Farm and Home Plans.

(2) Applicants whose names appear on lists of prospective standard rural rehabilitation clients furnished the Farm Credit Administration, but who, on the basis of further investigation, have been found unacceptable as standard loan clients. Loans to this group will be limited to the amount which they would normally have secured from the Emergency Crop and Feed Loan Section of the Farm Credit Administration. Unless such applicants can establish eligibility for standard rural rehabilitation loans in subsequent years, they should be referred to the Farm Credit Administration for future loans.

(3) Vendors of land to the United States under accepted options who are in need of public aid pending payment for land and who cannot obtain loans from any other source may be granted emergency loans. When this need arises, the regional office will instruct the county rural rehabilitation supervisor in the pro-

cedure to be followed in accordance with instructions given the regional office.

(c) *Purposes of loans.* Emergency rehabilitation loans may be made for:

(1) Purchase of feed for the maintenance of work stock, subsistence livestock and foundation herds. The purchase of feed for commercial production of livestock or livestock products is not permitted under emergency loan procedure. Regional directors may place limits on animal units for which loans for feed may be made on any one farm when in his judgment the cost of feed consumed may be in excess of the value of the animals involved.

(2) The planting, cultivating and harvesting of emergency feed crops and supplies incidental thereto. Loans will be limited to immediate and actual cash needs.

(d) *Terms of loans.* The rate of interest on emergency loans will be 5 percent per annum. Such loans may not be made for a period longer than 18 months and should be made for the shortest period consistent with the probable future income of the borrower.

(e) *Notes and security.* All emergency loans will be evidenced by a "Promissory Note", Form FSA-LE 31., and be secured by a first lien on the crops to be grown, and the best lien obtainable on the livestock to be fed, using Form FSA-LE 30., "Crop and Chattel Mortgage". Where security indicated above is not adequate, it will be supplemented by the best available liens on chattels owned by the borrower. [FSA Instr. 742.1, Oct. 25, 1938 (except par. VI)]

PART 376—COLLECTIONS

§ 376.41 *Rural rehabilitation loans; collecting office procedure; security servicing—(a) Collecting officials.* (1) The term "collecting official" refers to RR supervisors, community and camp managers within their respective jurisdictions.

(2) All collection and servicing operations will be under the jurisdiction of the collecting official, who will be responsible for such operations in his territory. [FSA Instr. 460.1, Nov. 23, 1942, pars. II A and B]

(b) *Joint checks.* (1) The chief of the regional collection and Security Servicing section is authorized to endorse checks made payable jointly to the FSA (including state RR corporations) and others, or to the United States of America and others, and he may delegate this authority either generally or for special cases to collecting officials. Upon the recommendation of the county and district RR supervisors, and where the volume of such joint checks justifies such action, the chief of the regional Collection and Security Servicing section may authorize other bonded employees to endorse joint checks of the type described above, where such checks are received from the sale of mortgaged property in accordance with previously approved Offers to Release Liens, provided the proceeds are used in accordance with Part II of Form FSA-LE 286, or FSA-LE 253 A, "Assignment of Income from Property to be Mortgaged", or FSA-LE 253 B, "Assignment of Income from Mortgaged

Property." [FSA Instr. 461.5, Nov. 23, 1942, par. V, and FSA Instr. 461.1, Nov. 23, 1942, par. II G]

(2) When authorized to endorse checks, the collecting official (or other person specifically authorized) may endorse only by the use of one of the following endorsement forms:

(i) "Endorsed without recourse only to permit:

"(a) Issuance of a cashier's check to the order of the Treasurer of the United States in the amount of \$-----;

"(b) The deposit of \$----- in the supervised bank account of ----- (client) under "Deposit Agreement", (Form FSA-LE 192)". [FSA Instr. 461.1, Nov. 23, 1942, par. II G 2 a]

(c) *Satisfactions.* Mortgages, deeds of trust and other security instruments will be satisfied when all notes secured by such instruments have been paid in full.

(1) Upon receipt of paid notes and Form FSA-597 "Statement of Fully Paid Notes", collecting officials are authorized to effect satisfactions of the appropriate security instruments by executing Form FSA-LE 77, "Satisfaction", in an original and one copy. The original will be delivered to the borrower for recording or filing (if desired) and the copy will be retained in the collecting office. However, if state laws require recording or filing by the mortgagee, a second copy will be prepared for the borrower and the original recorded or filed by the collecting official. Where state statutes provide that satisfactions may be accomplished by marginal entry on the records of the recording office, or special circumstances require some other form of satisfactions, collecting officials are hereby authorized to make such satisfactions according to instructions from the regional office. In such cases, Form FSA-LE 77 need not be prepared, but a notation of the satisfaction should be made on Form FSA-597 which will be retained in the borrower's case file.

(2) Collecting officials are hereby authorized to satisfy security instruments at the time final payments are received as defined in paragraphs III I 1 or 2 of FSA Instruction 461.1, and prior to receipt of fully paid notes from the Finance area office: *Provided*, (i) That final payment on the debt secured by the instruments being satisfied is received in the form of cash, postal money order, certified check, or cashier's check, and (ii) that satisfaction in such cases will be made on Form FSA-LE 77, and not by marginal release or other special method. In all such instances, the first paragraph of Form FSA-LE 77 must be amended striking out the words "acknowledge that the said lien instrument(s), listed below, together with the debts secured thereby, are fully paid, satisfied, and discharged", and type in place thereof the words "satisfy and discharge the said lien instrument(s)". In each case, in which this change is made in Form FSA-LE 77, the collecting official should indicate his approval of the change by initialing in the marginal space at the point where the change is made. The authority to satisfy security instruments before the receipt of statements

of fully paid accounts from the Finance area office should be exercised by collecting officials only in cases requiring immediate action, such as the refinancing of FSA loans, or the need for removing the Government's liens on the security property simultaneously with receipt of final payments. In such cases, the paid notes will be received by collecting officials for return to borrowers subsequent to execution of Form FSA-LE 77. [FSA Instr. 462.1, Nov. 23, 1942, par. VI B rev. March 27, 1943]

(d) *Surrender of notes and execution of satisfactions (special cases).* The regional director, assistant regional directors and the chief of the regional Collections and Security Servicing section are hereby authorized to execute satisfactions, subject to the limitations contained in paragraph (c) of this section; except that in special instances, where final payments on accounts are conditioned on simultaneous delivery of notes and satisfactions, they are authorized to deliver notes and executed satisfactions to collecting officials for surrender to borrowers. In these instances, if deemed desirable, they may authorize collecting officials to execute satisfactions. All cases of this nature will be handled by special correspondence, and a condition of the delivery to borrowers of notes and satisfactions by collecting officials will be the collection in cash, cashier's check or money order, not personal check) of the principal and interest due on the account or accounts involved as computed by the Finance area office. [FSA Instr. 462.5, Nov. 23, 1942, par. VI]

(e) *Payment of fees.* Borrowers should be encouraged to obtain complete satisfaction of all security instruments; however, filing fees for satisfaction must be paid by them unless otherwise required by law. Where written satisfactions of mortgages, deeds of trust, or other security instruments have been executed by an authorized official and the state law requires the mortgagee to record or file such satisfactions and to pay the recording or filing fees therefor, collecting officials are hereby authorized, as agents and attorneys-in-fact for the United States, the Secretary of Agriculture, and the FSA, to record and file such satisfactions. Payment of recording or filing fees and/or fees for making marginal satisfactions may be made through the medium of Standard Form No. 1034, "Public Voucher for Purchases and Services Other Than Personal", and charged to nonrecoverable costs. In cases where local recording officials or others will not or cannot accept Standard Form No. 1034 in payment of such fees, the collecting official may pay such fees and obtain reimbursement by means of Standard Form No. 1012, "Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel." Such claims for reimbursement must not be included on the same voucher as claims for mileage and per diem reimbursements. [FSA Instr. 462.1, Nov. 23, 1942, par. VI C rev. Feb. 23, 1943]

(f) *Indebtedness of FSA borrowers called to or enlisted for military service.* (1) It is the policy of the FSA generally

to postpone the indebtedness of borrowers called to, or enlisted in, military service. It should be noted, however, that, by virtue of the Soldiers' and Sailors' Civil Relief Act of 1940, all debtors in military service are entitled to certain special treatment (in connection with law suits, foreclosures, eviction, and so forth) as a matter of right, regardless of any postponement action by the FSA.

(2) Any person who is indebted to the United States on accounts held by FSA and (i) who is inducted into service in accordance with the Selective Training and Service Act of 1940 as amended, or (ii) who has enlisted in the Army, Navy, Marine Corps, or Coast Guard, or (iii) who, as reserve personnel of any branch of the armed forces, is called to active service will be granted, upon application therefor, a postponement of maturity on the instalments of principal and interest on such indebtedness during the period of service or training. Interest will, however, accrue on the principal amount of the loans during the period of deferment.

(3) In exceptional cases postponement may be granted to borrowers on the same basis as is provided above, if members of their families are inducted or enlisted into the service. Such postponement may be granted to borrowers upon presentation of evidence, satisfactory to the regional director, that the loss of the labor of those so inducted or enlisted would have a material effect on the economic welfare of the family and their ability to meet the repayment schedule. Only regional directors may grant postponement in these instances.

(4) Postponements will be granted only upon application therefor by borrowers on Form FSA-395, "Application for Postponement of Payments and Power of Attorney". The execution of a Power of Attorney will be required where necessary to the family's future operations or to future servicing of security. If the Power of Attorney is used, it will be acknowledged and recorded, where required.

(5) The decision as to whether a borrower should be called for military service is one exclusively for the appropriate military and selective service authorities. The FSA will make no recommendations with respect to such selections and will grant no postponement of maturities on any borrower's indebtedness prior to his call to or enlistment for service or training. The question as to whether a particular borrower should be called to or enlisted for military service is one which is in no way dependent upon the action which the FSA will take with respect to any indebtedness to the Government.

(6) The policy outlined herein will have application to indebtedness to the Government as a result of RR, TP, FE or FD loans made to an individual by the FSA or its predecessor or state RR corporations, debts owed by an individual to a state RR corporation trust fund, and any indebtedness owed on contracts or purchase, leases or licenses with the FSA or its predecessor or state RR corporations. (Interest will not accrue on unpaid rents in connection with leases.)

(7) If, during the period of postponement, property mortgaged to the Gov-

ernment is abandoned, neglected, seized by the borrower's creditors, not used, or misused in such way as to decrease its value substantially, or if Government property occupied by the borrower's family is neglected or misused, the FSA may request that appropriate foreclosure or eviction proceedings be instituted. However, attention is called to the fact that the Soldiers' and Sailors' Civil Relief Act of 1940 places certain conditions and limitations on foreclosure, eviction and other judicial and non-judicial proceedings and remedies. Therefore, without specific authorization and directions from the regional office, which will be guided in each case by an opinion from the regional attorney as to the requirements of the Soldiers' and Sailors' Civil Relief Act, collecting officials will not take any liquidation or eviction action. However, where mortgaged personal property is abandoned, collecting officials should take such property into custody and make arrangements for its care pending instruction from the regional office.

(8) Postponements will affect maturities on the indebtedness owing to the Government so that the granting of a postponement will relieve a borrower's wife from meeting maturities falling due during the period of military service, even though the wife executed the Note evidencing such indebtedness.

(9) Upon the expiration of a borrower's term of military service, a plan for the orderly retirement of the indebtedness will be worked out and agreed upon. The repayment schedule will be evidenced on Renewal Notes in accordance with established procedures. If for any reason, no such plan is effected within a reasonable time after the expiration of the borrower's term of military service, the entire indebtedness will become due and appropriate steps taken to effect collection.

(10) During the period of debt postponement, the appropriate field personnel will continue to supervise the farm and home operations of the borrower's family in accordance with established procedures. Crop mortgages and similar security instruments will be obtained in the same manner as heretofore, except of course, that such mortgages will be executed by the person (such as the borrower's wife) who has control over the crops or other property and who has been designated by the borrower as his agent and attorney-in-fact for this purpose. Releases of mortgages will be made in accordance with the customary procedure.

(11) Occasionally a borrower called to or enlisted in military service may not wish to request postponement due to the ability of his family to continue the farm or homestead work with little impairment of income because of his absence. However, it seems likely that such instances will be infrequent, since the granting of a postponement will, of course, not prevent voluntary repayments on the indebtedness which should be encouraged during the period of postponement. In some cases, the borrower may wish to surrender, for sale, property encumbered to secure his indebted-

ness to the FSA because of the inability of his family to carry on with farming operations. Such property will be disposed of pursuant to directions from the regional office, and the repayment of any remaining indebtedness will be postponed if the borrower so desires. For borrowers who desire to lease their farms because of the inability of their families to carry out farming operations will be assisted in obtaining satisfactory tenants and leases. Similar assistance will be given borrowers who have entered into contracts with the Government or state RR corporations, to purchase farms.

(12) Where the contractual relationship with the FSA is merely one to pay monthly charges for occupancy of housing accommodations with or without incidental garden land, as in the case of certain suburban and subsistence homestead units, requests for modification of such rental contracts because of military service will be referred to the Office of the Administrator for decision.

(13) Local FSA offices will keep in close touch with local draft boards and recruiting offices in order to learn which borrowers have been inducted or enlisted. [FSA Instr. 462.1, Nov. 23, 1942, par. VII]

(g) *Release of security other than real estate security*—(1) *Purposes*. Following are the purposes for which the liens on property mortgaged to the United States may be released:

(i) Repayment on the borrower's indebtedness.

(ii) Furtherance of the borrower's rehabilitation through:

(a) Expenditures contemplated in the approved Farm and Home Plan and made from proceeds derived from the sale of crops, livestock, and livestock products, the sale of which was contemplated in the Farm and Home Plan.

(b) Payment out of normal farm income of current farm, home or other justifiable expenses not contemplated in the approved Farm and Home Plan provided such expenditures do not represent major deviation from the approved Farm and Home Plan, and the provisions of that plan have been or can be generally met.

(c) Purchase (or acquisition by exchange) of other property of the same type (that is, work animals to replace work animals, livestock grown for family consumption to be exchanged for other livestock to be consumed as food by the family, and so forth) better suited to the borrower's needs when such purchases or exchanges are of a minor nature and do not materially alter the enterprise or disrupt the debt structure (and when the value of the borrower's mortgaged property exchanged does not exceed \$200 for any one transaction).

(d) Release of crops or other property constituting sources of normal farm income so that such income may be available to finance the farm and home operations of the forthcoming crop year. Such income will be deposited in a supervised bank account (established under Form FSA-LE 192, "Deposit Agreement"), except when, in the opinion of the district RR supervisor, such deposit is not neces-

sary to insure availability and use of the funds for contemplated purposes. The authority of district RR supervisors to permit borrowers to forego the deposit of such income may be further restricted by regional policy. Such income will be expended only in accordance with the provisions of an approved Farm and Home Plan.

(iii) Preservation of the remaining security property from deterioration or spoilage.

(iv) Purchase (or acquisition by exchange) of other property (transactions which are not authorized by paragraph (g) (1) (ii) (c) of this section). Where such an exchange or the purchase of other property will involve a major change in the farm enterprise as originally planned, the transaction must be justified by the prior approval of a revised Farm and Home Plan. The new property must be inspected by the collecting official or district RR supervisor and found suitable and must be made subject to a lien in favor of the United States, which will have security value at least equal to that of the lien formerly held by the United States in the old property. The approving officer, under the authority granted and within the requirements listed in paragraph V A 2 c of FSA Instr. 465.1, may authorize the collecting official to delay the taking of the replacement security. Such authorization will be evidenced on Form FSA-LE 286. Excess proceeds must be applied to the borrower's indebtedness unless released for other approved purposes.

(v) Payment of emergency expenses essential to the welfare of the family.

(vi) Liquidation of the borrower's account.

(2) *Authority to execute Form FSA-LE 286*. (i) Collecting officials may execute Part I, "Offer to Release Lien", of Form FSA-LE 286, in any case where such proceeds are to be used for one or more of the purposes enumerated in paragraphs (g) (1) (i), (ii) and (iii) of this section, and may execute Part II, "Agreement for the Use of Proceeds", of Form FSA-LE 286 for all purposes authorized in paragraph (g) (1) of this section.

(ii) Associate RR supervisors, assistant RR supervisors, and HM supervisors or assistant HM supervisors (when acting in the capacity of acting RR or assistant RR supervisors), may, for cases specifically assigned to them for supervision, execute Part I of Form FSA-LE 286 in any case where the proceeds are to be used for one or more of the purposes enumerated in paragraphs (g) (1) (i), (ii) (a) and (ii) (d) of this section, and may execute Part II for all purposes authorized in paragraph (g) (1) for cases assigned to them.

(iii) District RR supervisors and community managers for cases under their jurisdiction may execute Part I, "Offer to Release Lien", in any case where the proceeds are to be used for one or more of the purposes enumerated in paragraphs (g) f(1) (iv), (v) and (vi) hereof.

(3) *Offer to release lien and agreement for the use of the proceeds*. (i) Where the borrower makes application

on Part II of Form FSA-LE 286, to dispose of property or crops mortgaged to the United States and the application is approved, the approving official will execute Part I of Form FSA-LE 286. This form will be prepared in an original and one copy. The executed original will be retained in the county or project office and the executed copy delivered to the borrower.

(ii) Prior to the execution of the "Offer to Release Lien" by a properly authorized FSA employee, there must be an agreement between the borrower and the Government as to the use to be made of the proceeds of such mortgaged property. This agreement will be contained in Part II of Form FSA-LE 286, "Agreement for the use of the Proceeds", which must be filled in and signed by both the borrower and the collecting official, (or other specifically authorized FSA official). Part II should be detached from the borrower's copy of Form FSA-LE 286 by him prior to his exhibition of the "Offer to Release Lien" (Part I) to the anticipated purchaser or exchanger of the mortgaged property.

(iii) The "Offer to Release Lien" may cover a larger portion of crops, produce, or other property than it is anticipated will be disposed of in one transaction.

(iv) In cases where the use of proceeds from the sale of mortgaged crops, livestock or livestock products, representing sources of normal income, does not include a repayment to the FSA and where the collecting official, on the basis of his knowledge of the borrower and his operations is reasonably assured that the borrower will expend such proceeds in accordance with the terms of the "Agreement for Use of Proceeds", and where it will be more convenient and practicable for the borrower to receive such proceeds directly from the purchaser, the approving official may delete all of conditions B 2 and B 3 in Part I of Form FSA-LE 286. Property to be sold pursuant to this paragraph will be described as to kind and amount, and will include only items to be sold in a single transaction. Part II of Form FSA-LE 286 will be filled out in detail on the basis of a realistic evaluation of the borrower's need for the money thus released.

(v) In cases where conditions are the same as those outlined in paragraph (g) (3) (iv) of this section, except that repayment of part of the proceeds to the FSA is anticipated, the approving official will indicate the amount of money to be paid directly to the borrower by completing B 3 c of Part I of Form FSA-LE 286. Property thus sold will be described as to kind and amount and will include only items to be sold in a single transaction. Part II of Form FSA-LE 286 will be filled out in detail on the basis of a realistic evaluation of the borrower's need for the money thus released.

(vi) The approving official will place his initials in the left margin beside each condition deleted in Part I of Form FSA-LE 286.

(4) *Notice to purchasers.* (i) Collecting officials, if they desire, may notify buyers within a trade area of the existence of liens held by the Government and of the conditions under which the Gov-

ernment offers to release such liens. Where it is determined to give such notice, the collecting official will prepare for each county under his jurisdiction a separate list of all borrowers residing therein who have mortgaged all or a part of their crops or personal property to the Government. If it is desired, separate lists of borrowers in each county may be prepared according to the types of crops or personal property mortgaged. When such lists are prepared, discretion will be exercised in their distribution in order to avoid unfavorable public reaction or improper use of the lists. (Rev. March 12, 1943)

(ii) In every instance, lists which are distributed will be accompanied by a letter of transmittal, Form FSA-C 26, "List of Farm Security Administration Borrowers". In addition, it is desirable where possible that such lists be personally delivered to buyers and that the motives of the United States in providing such information be discussed verbally.

(iii) It will be the responsibility of the collecting official to keep current the lists that have been distributed by notifying buyers of the names of new borrowers that should be added and the names of paid-up or moved borrowers that should be deleted, or to clearly indicate that the lists are "annual" lists by appropriate postscript on Form FSA-C 26. (Rev. Mar. 12, 1943)

(5) *Formal release of the lien of the United States.* (i) If the borrower or the purchaser of mortgaged property specifically requests a formal release of the lien held by the United States and the conditions of the "Offer to Release Lien" have been properly met, the collecting official will prepare and execute Form FSA-LE 99, "Release", in an original and one copy, and deliver the original to either the borrower or the purchaser. One copy will be retained in the collecting office.

(ii) The authority of the collecting official to execute Form FSA-LE 99 extends to all cases where the borrower and the purchaser have properly met the conditions stipulated in the Offer to Release Lien regardless of who executed such offer. Form FSA-LE 99 need not be prepared in every case of the sale of mortgaged property, but must be prepared when specifically requested by the borrower, the purchaser, or if required by law, provided all conditions of the sale have been properly met.

(iii) In any case where mortgaged property is disposed of by a borrower for the account of the United States (that is, with the intention and for the purpose of promptly making the proceeds available to the Government) but without the prior execution of an Offer to Release Lien and all the proceeds are immediately tendered to the collecting official, he may execute Form FSA-LE 99: *Provided*, That, in the opinion of the collecting official, such proceeds represent the reasonable value of the property sold. The borrower should be informed that further unauthorized sales of mortgaged property will not be countenanced and will be looked upon as evidence of bad faith. The collecting official will determine whether all of such proceeds should be remitted to the Government

or whether the borrower should be allowed to use all or a portion thereof for such purposes as are within the scope of authority of the collecting official to execute an Offer to Release Lien as outlined in paragraphs (g) (1) (i), (ii) and (iii) of this section. If it is determined that any of the proceeds may be used for such purposes other than remitting to the Government, Part II of Form FSA-LE 286 should be executed prior to the execution of a release. The borrower may then be permitted to retain such portions of the proceeds as are contemplated by the agreement.

(iv) In any case where mortgaged property is disposed of by a borrower without authorization and it is subsequently determined that the disposition was in good faith and under circumstances such that permission could and would have been granted had a proper prior request been made, the regional director, the district RR supervisor or community manager may ratify the borrower's action by executing Form FSA-LE 99 covering the property involved.

(h) *Suspension or release of assignments.* (1) The suspension or release of "Assignments of Proceeds from the Sale of Agricultural Products", may be approved by collecting officials on forms approved by the regional attorney, when it is necessary to suspend or release such Assignments in order that approved expenditures may be met, provided such expenditures are for purposes enumerated in paragraphs (g) (1) (i), (ii) and (iii) of this section.

(2) The suspension or release of such assignments may be approved by district RR supervisors and community managers, for cases under their supervision, on forms approved by the regional attorney, provided such expenditures are for purposes enumerated in paragraphs (g) (1) (iv), (v) and (vi) of this section.

(3) Requests for the suspension or release of all other assignments, excluding assignments on Form ACP-69, will be prepared by the collecting official in letter form, setting forth the reasons therefor and the anticipated use to be made by the borrower of the income to be released. All such requests will be reviewed by the district RR supervisor or community manager, and transmitted with his recommendations to the regional office for final approval.

(i) *Subordination of security other than real estate security.* (1) Security other than real estate security may, in the discretion of the regional director or his delegatee in the regional office and with approval as to legality by the regional attorney, be subordinated in the following cases:

(i) Where an obligation secured by a lien prior to that of the FSA is about to mature or has matured and the prior lien holder desires to renew or extend the obligation, or the obligation can be refinanced through another lending agency or individual: *Provided*:

(a) Such action is necessary for the rehabilitation of the borrower.

(b) The principal amount to be secured by the lien of the refinancing agency or individual, to which the Government's lien will be subordinated, does

not exceed the unpaid principal of the debt secured by the prior lien plus accrued interest and other proper charges.

(c) The relative position of the FSA lien is maintained.

(d) Collection of the FSA loan is not jeopardized by the transaction.

(ii) Where, in other than active standard cases, the FSA holds a lien on crops that are not yet in existence, the crop lien may be subordinated: *Provided:*

(a) It has been determined in the individual case that the FSA cannot or will not provide the financing for future crops, and

(b) That equitable arrangements are made for repayment to the FSA out of future income in accordance with the borrower's ability to pay.

(iii) Where, by virtue of state law, the FSA will have a prior lien, under the "after acquired property" clause of its mortgage, on property to be wholly financed from sources other than an FSA loan or the proceeds of the sale of FSA security property, provided it is determined that the acquisition or financing is essential to the rehabilitation of the borrower or the FSA is no longer continuing the case as "active". (This authority must not be construed as authorizing the subordination of valid liens held by the FSA on property already in the possession of the borrower.)

(2) Recommendations of collecting officials for the subordination of security other than real estate will be submitted to the regional office in the form of a narrative statement covering all facts pertinent to the contemplated transaction. Subordinations not covered by paragraph (i) (1) of this section may be submitted by the regional director to the Cincinnati office for appropriate action.

(3) Subordination agreements utilized in carrying out this authority will be on forms approved by the regional attorney.

(j) *Releases and subordination of real estate security (other than FO)*—(1) *Releases.* The regional director, or his delegate in the regional office, upon approval as to legality by the regional attorney, may release real estate security (except in the cases referred to in paragraph (j) (2) of this section) in the following cases:

(i) Where the borrower wishes to sell mortgaged real estate and apply all or a portion of the proceeds (less necessary sale expenses) on the mortgaged debts in accordance with their respective priorities.

(ii) Where the borrower wishes to sell or exchange mortgaged real property so that he may acquire other real property better suited to his needs. In these cases, a Farm and Home Plan should be developed to show the revised income and farm and home operating expenses that would result from the sale or exchange. In addition, an appraisal and a title search should be made on any new real estate to be so acquired, in order that the Government may determine whether the exchange in property is in the best interests of the borrower and the Government. The Government must obtain a

lien on the new property having security value at least equal to the value of the lien formerly held by the Government on the old property, unless (a) the unpaid portion of the borrower's total secured indebtedness to the Government will be adequately secured by other property and (b) the regional director determines that a lien on the newly acquired property should not be required.

(iii) Where the borrower wishes to grant a right-of-way or an easement for its fair value, either in money or other form of benefit.

(iv) Where the borrower wishes to sell or lease timber, mineral, oil or other similar rights, the sale or lease of which will not interfere with the operation of the farm for agricultural purposes.

(v) Where a mortgage was taken by mistake (for example, where a borrower executes a mortgage on property which he does not own or in which he has no mortgageable interest).

(vi) Where the mortgagor has only a contract to purchase, not title to the property, and the mortgagor has defaulted on his purchase contract or it otherwise appears that there is no possibility of his acquiring title. In such cases, if the mortgagor is entitled to a refund of payments under the purchase contract, such refund will be disposed of in accordance with paragraph (j) (4) of this section.

(2) *Release of valueless junior liens.* In any case in which the Government holds a junior lien, the regional director, or his delegate, will ascertain by appropriate investigation whether or not such lien has any value. Where the Government's junior lien is determined to be of no value, no release may be executed except by the Comptroller General. Applications for the release of valueless junior liens should be prepared with the assistance of the regional attorney and submitted to the Cincinnati office for further handling.

(3) *Subordinations.* The regional director, or his delegate in the regional office, upon approval as to legality by the regional attorney, may subordinate real estate security in the following cases:

(i) Where an obligation secured by a lien prior to that of the FSA is to be renewed or extended or where such obligation can be refinanced through another lending agency or individual, *Provided:*

(a) Such action is necessary for the rehabilitation of the borrower.

(b) The principal amount to be secured by the lien of the refinancing agency or individual to which the Government's lien will be subordinated, does not exceed the unpaid principal of the debt secured by the prior lien, plus accrued interest and other proper charges.

(c) The relative position of the FSA lien is maintained.

(d) Collection of the FSA loan is not jeopardized by the transaction.

(ii) Where the holder of a lien prior to the lien of the FSA, or an agency or individual refinancing such prior lien, desires to advance additional funds for

needed improvements on the real estate, *Provided:*

(a) Such improvements do not overcapitalize the real estate as a unit.

(b) The relative position of the FSA lien is maintained.

(c) Collection of the FSA loan is not jeopardized by the transaction.

(iii) Where the borrower wishes to sell or grant a right-of-way or an easement for its fair value, either in money or other form of benefit.

(iv) Where the borrower wishes to sell or lease timber, mineral, oil, or other similar rights, the sale or lease of which will not interfere with the operation of the farm for agricultural purposes.

(4) *Disposition of proceeds.* It is the policy of the FSA, generally, that all of the proceeds realized by the borrower from the sale or lease of real property mortgaged to the Government will be applied to the borrower's debts secured by the property sold or leased. However, a borrower may be permitted by the regional director to retain a portion of the proceeds from the sale or lease of property covered by the lien instruments released or subordinated hereunder (proceeds which would otherwise have been available to the Government for application on the borrower's debt to the Government) only in cases in which the unpaid portion of the total secured indebtedness to the Government will be adequately secured by other property or in which other security, in value at least equal to the amount of the proceeds so retained by the borrower, is substituted for the security released. [FSA Instr. 465.1, Nov. 23, 1942, pars. V (except pars. A C 1 and 2, and F), VI (except par. D), VII, and VIII (except par. E)]

Subchapter I—Cooperatives

PART 383—COOPERATIVE GROUP SERVICES

Sec.

- 383.11 Community and cooperative services; criteria.
- 383.21 Purchasing and marketing associations.
- 383.31 Authority to designate countersigning officers and to approve depositaries, articles of incorporations and bylaws for cooperative associations.
- 383.41 Release and subordination of security; land purchasing organizations.

§ 383.11 *Community and cooperative services; criteria*—(a) *Purpose.* The purpose of community and cooperative services is to facilitate the working together of RR and low-income families in groups to solve their mutual problems of rehabilitation.

(b) *Existing and new organizations.* RR and low-income families should be encouraged to participate in existing cooperative organizations, whether or not financed by the FSA, where such organizations are in a position to satisfactorily meet the needs of the families and the requirements set forth immediately below. FSA personnel may assist in the development of new organizations to serve the needs of RR and low-income families where existing organizations are not fulfilling this purpose. The following minimum requirements must be met by existing of newly-organized groups, either in-

corporated or unincorporated, which receive direct financial assistance from FSA or for participation in which the FSA makes loans to a majority of the members. All associations in which FSA families participate, even though they constitute a minority of the total membership, should be encouraged to comply with these minimum requirements.

(1) The groups should be organized and should operate in accordance with the following cooperative principles:

(i) Control vested in the membership on the basis of only one vote for each member and proxy voting prohibited unless such prohibition is not permitted by law.

(ii) All members permitted to participate equitably in the services rendered by the association.

(iii) Net income above the amounts required for operating expenses, payments on indebtedness, operating and other necessary reserves and payment of limited interest on capital will be distributed to the member and non-member patrons in proportion to their contributions to such earnings. Any patronage dividends accruing to non-member patrons should be credited to the purchase of membership before any distribution is made to them in cash.

(iv) No inequitable restrictions upon admission to membership.

(v) Local associations shall sell goods and services only for cash.

(2) The groups should provide services or commodities needed by FSA borrowers at a cost commensurate with the benefits therefrom.

(3) The groups should be assured of adequate capital, competent management and an operating program conforming to sound business practices.

(c) *General policies*—(1) *Cooperation with other agencies of the Department.*

(i) The cooperative enterprises established with the assistance of the FSA shall encourage cooperation in the agricultural program of the Department of Agriculture as administered by the various agencies of the Department to the extent that such programs will contribute to the rehabilitation of RR and low-income families.

(ii) The technical advice and assistance of other agencies will be obtained when matters coming within the scope of their authorized programs are involved in cooperative enterprise developed by the FSA.

(2) *Unavailability of financial assistance from other credit sources.* Loans will be approved by the FSA either to individuals or to associations for cooperative enterprises only where they are unable to obtain adequate financing from agencies other than the FSA.

(3) *Capital contribution by members.* The individuals who will participate in a cooperative enterprise, as participants in a service or as members of an association, shall make a substantial contribution to the total capital needed for its establishment and operation.

(i) The amount of the capital contribution which will be required of the individuals in each group enterprise shall be determined from an analysis of their individual financial condition, the direct

and indirect benefits which will accrue from membership in the association, and the comparative capital needs of the association for operating expenses, fixed assets and other purposes.

(ii) Of the total capital contribution required of each individual some portion shall be made by the individual out of his own resources. The approving official of the FSA with respect to each application shall require that as much of the individual capital contributions be made out of the individual's own resources as is possible under the circumstances of each case. Capital contributions will usually be made in cash, but where labor, material, supplies or other items of value are needed by the association and the membership requirements permit contributions to capital in such other form, contributions in form other than cash will be encouraged in order to obtain a personal investment by the members. The value of contributions other than cash shall be determined by the association.

(iii) FSA borrowers and other eligible individuals who are unable to contribute out of their own resources the entire amount of capital required for membership in the association, as determined by the approving official of the FSA, may obtain loans, if otherwise justified, to enable them to contribute that portion of the required capital contribution which it is impossible for them to contribute out of their own resources.

(4) *Method of financing group activities.* A combination of individual capital contributions, financed by the FSA where necessary as provided in paragraph (c) (3) of this section, and a loan direct to the organization shall be the general policy of the FSA.

(i) The policy contemplates that there will be some cases, especially where the association will not acquire or own any physical facilities, in which a large part or all of the needed capital will be provided through individual capital contributions.

(ii) In those cases where the association owns or will acquire physical property, and where the circumstances require very close supervision by the Government over the association's management and operating policies, the association should be financed in part through a direct loan. This will afford the FSA the legal means of obtaining a mortgage on the property and exercising close supervision over management and operating policies for the protection of the interests of the members and the Government.

(5) *Supervision and control of FSA-financed organizations.* (i) As a general policy the FSA will render supervisory assistance only, and control will be vested in the members. This supervisory assistance should be a training process and should include advice and suggestions to the members and boards of directors relative to management and operating policies in order to assist the members to exercise more effectively the control which is vested in them.

(ii) The FSA will reserve the right to approve the management and operating policies of enterprises financed in whole

or in part with FSA funds. This right will be exercised only where the management and business policies established by the members adversely affect the financial interests of the members or the Government or where it is clear that the members of new organizations are not prepared to assume full control during the early stages of operation.

(iii) The official approving financial assistance to any cooperative enterprise will determine the extent and character of the right to be exercised in the FSA to approve management and operating policies, and all matters relative to the exercise of that right. The amount of Government funds involved, the past operating record of the enterprise and the known ability of the members to exercise control should be governing factors.

(6) *Responsibility of district RR supervisors and RR supervisors.* It will be the direct and immediate responsibility of RR supervisors and district RR supervisors to conduct and supervise the Community and Cooperative Services program in their respective units. Special supervisory assistance which may be rendered by regional or state personnel in particular cases shall not replace or lessen the responsibility of the district and county personnel.

(d) *Authorized types of community and cooperative service loans.* (1) Joint ownership loans are those made to each of two or more eligible individuals to acquire and own jointly a piece of equipment or other facility, the management of which they vest in a designated individual.

(i) Where two or more individuals combine their resources to acquire and own a facility jointly and a loan by the FSA is made to only one of the joint owners for this purpose, the facility should be designated as a joint ownership service.

(ii) Joint ownership service, in which the borrowers are identical, whether established with or without FSA funds, may consist of one or more facilities but shall be reported as one service.

(iii) The liability of each joint owner for the repayment of joint ownership loans shall be limited to the amount borrowed by such owner plus interest on unpaid balance of his loan.

(2) Participation loans are those made to eligible individuals to finance their purchase of membership through payment of a membership fee, purchase of common stock or other membership contribution as provided in the bylaws in existing or new cooperative associations either incorporated or unincorporated.

(i) Parts of standard farm plan loans which are pooled and used to pay service fees, premiums or to make purchases for the borrowers through the medium of a group organization will not be regarded as "Participation" loans. However, when individuals are obtaining a purchasing or other service through an organization, they should be required to make some capital contribution to the association as outlined in paragraph (c) (3) of this section. Where FSA borrowers pool funds obtained from the FSA for the payment of service fees, the purchase of

supplies or other items through an association, incorporated or unincorporated, the regional director or his delegate shall approve the organization and operating policies of the association through which such program will be carried on and shall require the submission by the association of an annual operating report on an approved form. In addition to such annual reports, there shall be submitted an application on Form FSA-RR 23A, "Application for Loans to Participate in Cooperative Association", to cover any loans made to finance the payment of membership fees or other capital contributions to such associations. Where loans are not made to finance the capital contributions of FSA borrowers to such an association but funds obtained from the FSA by borrowers are pooled and used to make purchases or pay service fees through it, a report shall be made to the regional office on the organization of such associations on Form FSA-RR 23A, marked "Purchasing Association—No Loans". In such cases a report on the expenditures of the pooled funds will be made in the annual report from the association.

(3) Master borrower loan is one made to a single eligible individual to acquire, own and operate in his own name a piece of equipment or other facility for the service of two or more individuals. Master borrower loans should not be made where needed services can be established on a joint ownership basis. Master borrower loans shall be made only as an exception and not as a rule.

(4) Loans may be made directly to associations in accordance with the general policy stated in paragraph (c) (4) of this section.

(e) *Purposes for which loans may be made*—(1) *For facilities.* To finance the purchase of land, buildings, equipment or other facilities or acquire any other interest therein for the rehabilitation of low-income families (except acquisition of farm land for production purposes must be in accordance with FSA leasing procedure).

(2) *For operating capital.* The FSA will provide normal operating capital for cooperative enterprises. In some instances cooperatives will need operating capital in relatively large amounts for short term seasonal operations. If such needs may be met through commodity loans secured by commodities only, cooperatives will be encouraged to take care of such needs through other credit sources.

(f) *Eligibility*—(1) *Individuals.* Loans to individuals for the establishment or maintenance of group services or associations, or for participation therein, may be made only to persons who are eligible for financial assistance from the FSA, as provided in § 373.11.

(i) Community and Cooperative Services loans to individuals in amounts in excess of \$50 shall be supported by complete Farm and Home Management Plans on Forms FSA-RR 14 and 14a.

(ii) Farm and Home Management Plans need not be prepared for individuals obtaining Community and Cooperative Services loans for amounts of \$50

or less. However, Community and Cooperative Services loans for less than \$20 shall be made only to active standard borrowers.

(2) *Associations.* An association shall generally be considered as eligible for direct financial assistance from the FSA if the association is rendering or will render services which will substantially contribute to the rehabilitation of FSA borrowers and if such assistance is necessary for the sound financing of such services. An association requesting direct financial assistance must meet the requirements set forth in paragraph (b) hereof. In addition, the following factors should form the basis for determining the eligibility of an association for direct financial assistance.

(i) If a majority of the membership of the association is composed of FSA borrowers or persons eligible for rehabilitation assistance, or if a major portion of the services rendered by the association will directly accrue to the benefit of such eligible members, then the association will be regarded as eligible for financial assistance from the FSA.

(ii) If the requirements set forth in paragraph (f) (2) (i) of this section are not met, the eligibility of the association on the basis of rehabilitation benefits must be definitely established by the submission of other facts.

(iii) There must be evidence that the association cannot obtain adequate financing for its proper functioning from the Farm Credit Administration or other public or private credit sources.

(g) *Repayment of loans*—(1) *Minimum annual repayments.* (i) Loans used to acquire physical property should be repaid over a period not exceeding the estimated useful life of the property. The annual principal repayment installment on a facility or property loan should not be less than the annual depreciation charge applicable to the facility, property or portion thereof against which the loan has been made, in addition to the interest on the unpaid balance of the loan.

(ii) Loans for annually recurring expenses shall be repaid annually.

(2) *Scheduled repayments.* The schedule of repayments should be based upon the applicant's prospective repayment ability, as evidenced by the budget of income and expenses for a normal operating year, and should not be less than the minimum annual repayments described in paragraphs (g) (1) (i) and (ii) of this section. The requested financial assistance shall not be approved unless a carefully prepared budget of the applicant's operations evidences the ability to at least meet such minimum annual repayments. As an aid to sound and realistic planning and to facilitate repayments as scheduled, the borrower should authorize a per unit deduction on commodities handled and services rendered or a percentage deduction from sales, the amount and percentage to be set at such figures as will, on the basis of the established annual volume be sufficient to meet the scheduled repayments. These deductions should be remitted to the Government monthly, quarterly,

semiannually, or annually, as required by the regional director in individual cases, for application on the borrower's indebtedness.

(3) *Actual annual repayments.* Actual annual repayments on FSA loans shall be determined after operating expenses, (including depreciation, interest, and provision for reasonable reserves) and contingencies have been met. The amount required annually to be repaid on principal shall be in proportion to the volume of business, in order to give effect to the variable payment principle but in no case shall the amount of the repayment be less than the minimum provided in paragraphs (g) (1) (i) and (ii) of this section.

(4) *Dividends and refunds.* Dividends on stock and patronage refunds shall not be distributed in cash until all matured principal and accrued interest payments have been met, and provision has been made for reserves and contingencies, as set forth above.

(h) *Rate of interest.* Interest on all Community and Cooperative Services loans (except master borrower loans) to associations and to individuals shall be charged at the rate of 3 per cent per annum. (See paragraphs (d) (1), (2), (3) and (4) of this section.) RR supervisors may arrange for the release of borrowers' earned income or mortgaged property to provide individuals with funds needed for Community and Cooperative Services where such funds are needed in relatively small amounts and cannot be fully furnished by the individuals from other available cash. (Loans to individuals for cooperative purchasing of services or goods for individual use shall not be considered as Community and Cooperative Services loans and shall be charged interest at the rate of 5 per cent per annum.) Master borrower loans shall be at the rate of 5 per cent. All existing Community and Cooperative Services loans (including master borrower loans) may, however, be renewed at their present rates of interest, when such rates of interest are lower than the above established rates for new loans of similar types. (Rev. 9-2-41)

(i) *Security.* Security for all Community and Cooperative Service loans shall consist of a mortgage on the property acquired or operated with the proceeds of such loans. In the case of joint ownership loans each borrower shall mortgage his undivided interest in his property to secure repayment of his loan. Where it is administratively advisable, the regional director should also require Form FSA-LE 122, "Assignment of Dividends", an agreement to set aside a definite amount or percentage of the income from service fees, or other charges, retains, and such other available security as may be necessary to safeguard the repayment of the loan, and the operations of the association. The security requirements should be set forth specifically in the Loan Agreement.

(j) *Records and reports.* (1) All cooperative groups financed in whole or in part with the funds obtained from the FSA shall maintain accounting records

and shall submit periodic financial and statistical reports to their membership and the FSA in a form approved by the regional director.

(2) The accounting assistance of the FC Division will be made available upon request of the regional or Washington administrative officials in connection with the records and reports of cooperative groups.

(k) *Bonding.* The regional director shall require that trustees, agents, operators, employees or officers of FSA financed groups or associations be adequately bonded.

(1) The cost of such bonds shall be borne by the group or association.

(2) In no case may an FSA employee serve as trustee or under any other title as custodian of the funds of a group or association. This does not preclude FSA employees from acting as counter signing officers.

(3) The members of each group or association shall select the trustee or other officer who will handle their funds.

(4) The executive assistant, or his principal clerk, acting for the regional director, shall determine the type of coverage and amount of the bond, notify the association to prepare and have executed by an approved bonding company an appropriate bond, and forward it to his office for approval.

(1) *Insurance.* The regional director shall require adequate insurance to be taken on real and personal property which is given by borrowers as security for Community and Cooperative Services loans. He shall also require adequate liability and property damage insurance on vehicles where injury to a third party might occur.

(1) The cost of such insurance shall be borne by the borrowers.

(2) The regional director, or his designee, shall determine the type and amount of insurance that shall be required.

(3) Policies insuring property mortgaged to the Government shall be payable jointly to the borrowers and the Government and shall be filed in the regional office.

(m) *No-funds services.* (1) In working together to solve their mutual problems of rehabilitation, RR and low-income families will through the guidance and advice of FSA personnel find ways of meeting many of their needs without the necessity of borrowing money. RR and low-income families should be encouraged to solve as many of their problems as possible in this way.

(2) Supervisors should make available to such groups the same types of forms and agreements that are used where loans are made, to aid them in planning their organization and operating program. Such groups will offer supervisors an opportunity to render supervisory assistance to families who are working together on their own resources to solve their mutual problems.

(n) *Grants.* (1) *Grants to individuals.* Grants to individuals for use in connection with group activities will be made only as authorized in § 374.11.

(2) *Grants to associations.* Generally grants will not be authorized to

associations. Applications for grants may be developed, however, in unusual cases and where they can be justified. Grants to associations require approval by the Administrator or the Secretary of Agriculture. [FSA Instr. 831.1, July 10, 1941, except pars. I, III, IV, VI, C, D and E, IX, XIV, and XVIII C]

§ 383.21 *Purchasing and marketing associations.* (a) *Purpose.* The basic long-time function of purchasing and marketing associations will be to aid low-income farmers to participate more fully and more advantageously in our national economy. The immediate wartime task is to so organize, activate, and utilize the purchasing and marketing associations that they contribute most effectively to the food production program. The following statements of policy are outlined in order to clarify and implement these objectives.

(b) *General policy.* (1) Participation in the services of any purchasing and marketing association should not be restricted to FSA borrowers, but should be open and available to all farmers in the areas served by the association. Eligibility for membership in the association should be determined by the association.

(2) If there are existing cooperative associations which do not adequately serve the needs of low-income farmers, the FSA officials should work with the officials of the existing cooperatives to encourage and assist them in developing their operations so that the recognized needs of the farmers in the area can be met.

(3) Local purchasing and marketing associations may, through affiliation with suitable federated associations, obtain bookkeeping, accounting, purchasing and marketing services, or if suitable federated associations are not operating in their localities, they may, if practicable, organize a federated association to perform these services for them on a state-wide or trade area basis.

(4) The control in a local purchasing and marketing association should be vested in individuals who are currently patronizing the association. It is therefore suggested that continued membership (and hence voting rights) be restricted to farmers who have actively used the services or facilities of the association during the current or past fiscal year. The purpose of this is to insure that operating policies will be set by, and the management of the purchasing and marketing association controlled by, farmers who are presently interested in and connected with the association.

(5) After a purchasing and marketing association has been organized and is in operation its working capital should be currently provided by members who are currently patronizing the association. This can probably best be accomplished through some revolving stock or certificate of interest plan of capitalization. Such a plan could involve the withholding of earnings or the taking of retains or both, crediting same to patrons' capital accounts, and then, after meeting all current obligations and building adequate reserves, retiring the oldest outstanding capital contributions of patrons.

(c) *Loan policy.* (1) *Direct loans to purchasing and marketing associations.*

(i) Direct loans may be made to purchasing and marketing associations meeting the eligibility requirements for organization and membership prescribed by and in accordance with the provisions of § 383.11. Regional directors are authorized to approve such loans within the limitation of \$15,000, for initial and supplemental loans to associations and combination loans, as prescribed in FSA Instruction 701.1.

(ii) Direct loans to purchasing and marketing associations may be made for the ownership or rental and the operation of essential facilities and equipment. However, should any operating capital loan be made for the continued operation of the facility or enterprise, cash accumulated through a system of retains should be used to effect repayment. No operating or revolving fund loans may be made for indefinite or undefined purposes.

(iii) In order to facilitate a rapid increase in food production under this program, direct loans to purchasing and marketing associations may also be made for the purchase of livestock and poultry, along with the necessary feed and supplies, to be placed with members under standard custody agreements. Title to such goods will remain in the association and the agreement will provide for the share of net income or specified amount to be received by members for operation of these enterprises.

(iv) Loans should be secured by a first mortgage on the facilities purchased and other suitable available assets.

(v) Before a direct loan can be made to the association, it will be necessary that the association submit a satisfactory plan of operation with an annual operating budget, making a showing that there will be adequate management and a well-planned repayment schedule, and illustrate an ability on the part of the association to repay according to the schedule of annual earnings of the association.

(2) Direct loans may be made, in accordance with § 383.11, to existing cooperatives to provide services normally procurable through purchasing and marketing associations. [A. L. 678, April 19, 1943]

§ 383.31 *Authority to designate countersigning officers and to approve depositories, articles of incorporation and bylaws for cooperative associations.* Regional directors and the Area Director for the Wheeler-Case Irrigation Program are hereby authorized in connection with cooperative associations to:

(a) Approve the designation of principal and subsidiary depositories in which cooperative associations may keep funds or securities and designate the countersigning officers for checks drawn on such depositories using the appropriate designation or change in designation Forms FSA 413, 414, 415 or 416. The regional director, or the Area Director, may select these depositories only after obtaining approval of the Finance regional manager and such depositories must be covered by Federal Deposit Insurance.

(1) The countersigners on principal bank accounts designated by the regional

director or the Area Director will be the Finance regional manager with some other Finance employee as an alternate and countersigners for checks drawn on subsidiary accounts will be the local FSA official having immediate supervision of the association with some other responsible local FSA official as his alternate.

(b) Approve articles of incorporation and bylaws to be used by cooperative associations following referral of such instruments to the regional attorney for a legal clearance and consultation with the Finance regional manager on accounting matters. [A.L. 474, December 24, 1941]

§ 383.41 Release or subordination of security; land purchasing organizations.

(a) Regional Directors are hereby authorized to execute on behalf of the Government the necessary instruments releasing or subordinating the security of the Government represented by mortgages or other liens on real property acquired by Land Purchasing Organizations (defense relocation corporations and land purchasing and development cooperatives) with FSA loan proceeds, in order to permit the granting of easements, rights-of-ways, or the sale of timber or other interest, except gas and oil rights, in the lands under the following circumstances:

(1) When, in their judgment, such sale or disposal is in the best interest of the Government and all parties concerned.

(2) When the proposed easement or other right will not interfere with the operations of the property for the purpose for which it was acquired.

(b) Any receipts resulting from such transactions are to be regarded and treated as operating receipts of cooperative associations. In cases where the transaction will result in a serious depletion of the Government's security, remittance will be made by check payable jointly to the corporation or association and the Government, which check will then be endorsed to the Government by the association or corporation, and will be credited by the Government as a repayment on the loan. All instruments used in connection with each such transaction must be approved by the regional attorney. [A.L. 525, April 30, 1942, except par. III]

[F. R. Doc. 43-8934; Filed, June 1, 1943; 4:55 p. m.]

**TITLE 31—MONEY AND FINANCE:
TREASURY**

Chapter I—Monetary Offices

**PART 137—SPECIAL REGULATIONS UNDER
EXECUTIVE ORDER NO. 8389, AS AMENDED,
AND EXECUTIVE ORDER NO. 9193**

[Special Regulation 1]

**SUBPART A—REQUIRING REPORTS ON FORM
TFR-500 BY PERSONS SUBJECT TO THE
JURISDICTION OF THE UNITED STATES WITH
RESPECT TO PROPERTY IN ANY FOREIGN
COUNTRY**

JUNE 1, 1943

- Sec.
137.1 Persons required to report.
137.2 Property to be reported.
137.3 Exemptions.
137.4 Filing.

- Sec.
137.5 Other matters.
137.6 Definitions.
137.7 Penalties.
137.8 Amendment, modification or revocation.

AUTHORITY: §§ 137.1 to 137.8 inclusive, issued under sec. 3 (a), 40 Stat. 412; sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, 55 Stat. 838; sec. 3, Public No. 831, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; E.O. 9193, July 6, 1942; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

§ 137.1 Persons required to report. A report on Form TFR-500¹ is hereby required to be filed by (a) every person subject to the jurisdiction of the United States having at the close of business on May 31, 1943, any interest whatsoever, direct or indirect, in any property in a foreign country on such date and by (b) every person subject to the jurisdiction of the United States with whom any foreign organization was allied on such date.

§ 137.2 Property to be reported. (a) Report shall be made with respect to all property in a foreign country at the close of business on May 31, 1943, in which on said date the person reporting or any foreign organization then allied with him had any interest whatsoever, direct or indirect.

(b) Property damaged, destroyed, or seized at any time between January 1, 1938, and May 31, 1943, as a result of war or a "scorched-earth" policy carried on by any country, or through any confiscatory action or duress by a country which on May 31, 1943, was at war with the United States or was occupied by a country at war with the United States, shall be reported if otherwise reportable, *Provided*, That no person shall report any property sold or otherwise disposed of or seized, confiscated, destroyed, or lost before such person became subject to the jurisdiction of the United States.

(c) Property shall be deemed to have been in a foreign country at the close of business on May 31, 1943, if (1) in case of tangible property, it was located in a foreign country; (2) in case of other property, it was issued or created by, or constituted an obligation of, or was asserted to constitute an obligation of a foreign country or a person within a foreign country, regardless of where any evidence thereof was located; and (3) without limitation upon the foregoing, in case of currency and coin, securities, and negotiable instruments for the payment of money issued or created by the United States, or any agency or person therein, the property or evidence thereof, as the case may be, was located in a foreign country.

(d) In ascertaining whether property was located in a particular foreign country at the close of business on May 31, 1943, all foreign countries shall be deemed to have the national boundaries existing on January 1, 1938, without regard to prior or subsequent invasion, or other similar act.

¹ Filed with the original document.

§ 137.3 Exemptions. (a) Except as provided below, no report on Form TFR-500 is required (1) from any person whose property in all foreign countries had an aggregate value less than \$10,000, or (2) from any other person respecting property in any one foreign country if the total value of all his property in such country was less than \$1,000. These exemptions shall not apply to foreign bonds payable by their terms in United States dollars, whether or not alternately payable in another currency, or to interests in allied foreign organizations, patent license agreements, trademark license agreements, franchises and concessions, and such contracts as may be specified by the Secretary of the Treasury, all of which shall be reported regardless of the value thereof.

(b) Reports are not required from (1) any citizen of the United States in enemy or enemy-occupied territory, or (2) any member of the armed forces of the United States serving outside the continental United States, regardless of the amount or kind of property otherwise reportable by any such person.

(c) Any person entitled to the benefits of an exemption may nevertheless file a report on Form TFR-500 if he so desires.

§ 137.4 Filing. (a) Reports by persons within the United States shall be filed on or before August 31, 1943, with the Federal Reserve Bank of the district or with the Governor of the territory or possession of the United States in which the person filing the report resides or has a principal place of business or principal office or agency or, if such person has no legal residence or principal place of business or principal office or agency in a Federal Reserve District or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco.

(b) Reports by persons outside the United States who are subject to the jurisdiction of the United States shall be filed on or before September 30, 1943, with the United States Consul of the district wherein such person is then present.

(c) A report received by the proper Federal Reserve Bank, Governor, or Consul, in a correctly addressed and stamped envelope bearing a postmark of a time prior to midnight of the date upon which the report is due, shall be deemed to have been duly filed.

§ 137.5 Other matters. (a) Reports on Form TFR-500 shall furnish all the information called for in such form and in any instructions relating thereto issued pursuant to this regulation. Each report shall be filed in duplicate, under oath. All spaces in the report must be properly filled in. Reports not in proper form, or lacking in essential details, shall not be deemed to have been filed in compliance with the orders and this regulation.

(b) The Secretary of the Treasury reserves the power, in his discretion, to grant extensions of time or exemptions with respect to the filing of any or all reports required by this regulation and

also to make exclusions from the exemptions provided by this regulation.

(c) Nothing in this regulation shall be deemed to authorize any transaction involving trade or communication with an enemy national within the meaning of General Ruling No. 11, as amended, issued pursuant to sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, and the orders and regulations issued thereunder.

(d) Form TFR-500 and any circular of instructions relating thereto may be obtained from any Federal Reserve Bank, the Governor of any territory or possession of the United States, any American Consul, or the Secretary of the Treasury, Washington, D. C.

(e) Reports on Form TFR-500 shall be filed regardless of whether a report on Form TFR-300 has previously been filed in respect of any property to be reported.

§ 137.6 *Definitions.* For the purpose of this regulation and all forms and instructions or rulings issued hereunder, the following definitions are prescribed.

(a) "Person" shall include an individual, partnership, association, corporation, or other organization.

(b) "Person subject to the jurisdiction of the United States" shall mean: (1) any citizen of the United States, whether in the United States or in a foreign country; (2) any corporation or other organization created or organized under the laws of the United States or any state, territory, district, or possession thereof; (3) any individual resident in the United States on May 31, 1943, including any individual continuously within the United States for three months next preceding that date, whether or not claiming to be resident; (4) any person not otherwise subject to the jurisdiction of the United States, to the extent that on May 31, 1943, such person had any branch, office, or representative within the United States.

(c) "Person within a foreign country" as to any particular foreign country shall include, but not by way of limitation: (1) Any individual resident in such foreign country, including a citizen of any other foreign country or of the United States; (2) any corporation or other organization organized under the laws of such foreign country; (3) any branch or office within such foreign country of a corporation or other organization organized under the laws of any other foreign country or of the United States; and (4) except when inappropriate, the government of the country and any subdivision, agency, or instrumentality thereof.

(d) "United States" shall mean the United States and any territory or possession of the United States, except the Philippine Islands and Guam.

(e) "Foreign country" shall be deemed to include, but not by way of limitation, the Philippine Islands and Guam.

(f) "Foreign organization" shall mean any partnership, corporation, association, business trust, or other organization, created, organized, existing, or operating under the laws of or in a foreign country and shall include any foreign branch or office of an organization

subject to the jurisdiction of the United States.

(g) "Allied foreign organization," or "foreign organization allied with a person," shall mean any foreign organization which was controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, certificates, or other securities or obligations of which, or other ownership interest in which, was owned or controlled by, directly or indirectly, a person subject to the jurisdiction of the United States, or by such a person in conjunction with one or more of his affiliates subject to the jurisdiction of the United States. Without limitation of the foregoing, the term shall in any event include (1) any foreign organization of which 25 percent or more of the outstanding voting stock, shares, or other voting securities or comparable ownership interest therein, was owned or controlled, directly or indirectly, by such a person, or by such a person in conjunction with such affiliate or affiliates, and (2) any foreign partnership of which such a person was a partner, whether general, special, limited, or otherwise. The Secretary of the Treasury reserves the power to determine, in any case, that any person was or shall be deemed to have been an "allied foreign organization" within the meaning of this definition.

(h) "Affiliate" shall mean (1) in relation to any corporation or other organization issuing stock or similar securities, any person who, directly or indirectly, owned, controlled, or held with power to vote, ten per cent or more of the outstanding voting securities thereof, and (2) as to any other organization, any person who owned or controlled ten per cent or more of the comparable ownership rights therein. Any corporation or other organization of which a person was an affiliate also shall be deemed to have been an affiliate of such person, and all persons who were affiliates of the same person shall likewise be deemed to have been affiliates of each other. Notwithstanding the foregoing, persons shall not be deemed to have been affiliates of each other by reason only of their ownership or control of interests in or obligations of a foreign organization.

§ 137.7 *Penalties.* Section 5 (b) of the Act of October 6, 1917, as amended, provides in part:

* * * Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

§ 137.8 *Amendment, modification or revocation.* This regulation and any forms, instructions, or rulings issued hereunder may be amended, modified, or revoked at any time.

[SEAL] RANDOLPH PAUL,
Acting Secretary of the Treasury.

[F. R. Doc. 43-8999; Filed, June 3, 1943; 9:29 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 190]

CHANGES IN OCCUPATIONAL DEFERMENTS OF FEDERAL GOVERNMENT EMPLOYEES

ORDER PRESCRIBING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (51 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 39, entitled "Changes in Occupational Deferrals of Federal Government Employees," effective immediately upon the filing hereof with the Division of the Federal Register.¹

The foregoing addition shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 31, 1943.

[F. R. Doc. 43-8981; Filed, June 2, 1943; 4:29 p. m.]

[No. 191]

MINUTE BOOK

ORDER REVISING FORM

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885, 50 U.S.C., Sup. 301-318, inclusive); E.O. No. 8545, 5 F.R. 3779, E.O. No. 9279, 7 F.R. 10177, and the authority vested in me by the Chairman of the War Manpower Commission in Administrative Order No. 26, 7 F.R. 10512, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 101, entitled "Minute Book," effective immediately upon the filing hereof with the Division of the Federal Register.¹ The supply of bound books of DSS Forms 101 on hand having entries therein will be used until completed and will be retained in the permanent records of the local board. Upon completion of the book presently in use, the revised form will be used. The supply of bound books of DSS Forms 101 on hand in which no entries have been made will be disposed of and will not be used.

The foregoing revision shall become a part of the Selective Service Regulations effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MAY 25, 1943.

[F. R. Doc. 43-8982; Filed, June 2, 1943; 4:29 p. m.]

¹ Form filed as part of the original document.

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATION OF AUTHORITY

SHOE RATIONING

[Supplementary Directive 1-T, as Amended June 3, 1943]

§ 903.25 *Further delegation of authority to the Office of Price Administration with reference to the rationing of shoes.* (a) In order to permit the efficient rationing of shoes, the authority delegated to the Office of Price Administration in § 903.1, Directive No. 1, is hereby extended to include the exercise of rationing control over the sale, transfer, delivery, or other disposition of shoes by any person to any other person and over the acquisition, use or distribution of shoes by any person; *Provided*, That such authority shall not include the power to limit the quantities or use of shoes obtainable by the agencies specified in subparagraph (1) of paragraph (a) of said Directive No. 1 or by any agency of the United States for export to and use in a foreign country.

(b) The authority of the Office of Price Administration under this supplementary directive shall include the power to prohibit the sale, transfer, delivery, or other disposition of shoes to, or acquisition or use of shoes by, any person who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration.

(c) As used in this supplementary directive, the term "shoes" means any footwear made in whole or in part of leather or containing any crude rubber, latex, reclaimed rubber, scrap rubber, or synthetic rubber in the sole, except rubber footwear as defined in Supplementary Directive No. 1-N.

(d) The War Production Board from time to time will advise the Office of Price Administration as to the quantities of shoes available for rationing and may specify the quantities of shoes which shall be released to consumers from time to time by the Office of Price Administration under this Supplementary Directive.

(e) [Revoked June 3, 1943.]

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

C. E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 43-9015; Filed, June 3, 1943; 11:53 a. m.]

Subchapter B—Executive Vice Chairman

AUTHORITY: Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

PART 1010—SUSPENSION ORDERS

[Revocation of Suspension Order S-284]

ANDERSON'S, INC.

Anderson's, Inc. of Nashville, Tennessee appealed from Suspension Order No.

S-284 which was issued on April 14, 1943. In connection with the appeal new evidence was presented to the Chief Compliance Commissioner who, on the basis of such new matter, determined that Suspension Order No. S-284 should be terminated as of May 24, 1943.

In view of the foregoing, *It is hereby ordered*, That Suspension Order No. S-284 (§ 1010.284) issued April 14, 1943 be revoked.

Issued this 24th day of May 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8976; Filed, June 2, 1943; 3:56 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-301]

B. SIMON HARDWARE CO., ORDER FOR STAY OF EXECUTION

The B. Simon Hardware Company has filed with the Chief Compliance Commissioner of the War Production Board an appeal from the provisions of Suspension Order S-301 and made application for a stay of execution of the Order pending the final determination of its appeal.

The Chief Compliance Commissioner, after hearing the application of the company for a stay, directed the entry of an order staying the execution of the Suspension Order pending the final determination of the appeal.

In view of the foregoing, *It is hereby ordered*, That:

§ 1010.301 *Stay of execution of Suspension Order S-301.* (a) The provisions of Suspension Order S-301 shall be stayed and shall be of no force or effect until further order of the War Production Board.

Issued this 2d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8977; Filed, June 2, 1943; 3:56 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-326]

NATIONAL SHAWMUT BANK OF BOSTON

The National Shawmut Bank of Boston, on March 10, 1942, contracted with B. R. Switzer & Co. Inc., to build a branch bank at No. 2 Westland Avenue, in Boston, Massachusetts, at an estimated cost of about \$100,000. There was already a branch in this neighborhood, but this new building was intended to provide more adequate facilities. "Construction" was started some time after April 9th, on which date Conservation Order L-41 became effective. On that date responsible officials of the Bank read the newspaper release announcing the issuance of Conservation Order L-41 as effective on issuance, but decided to proceed, and did in fact proceed with the construction on the erroneous assumption that having commenced excavation before April 9, they were not within the prohibition of

the Order. No effort was made to examine the terms of the Order itself or otherwise to ascertain its actual provisions.

Construction proceeded until the project was nearly completed on July 29, 1942, when an additional labor cost of about \$17,000 remained. Upon direction of the War Production Board, the Bank ceased construction on July 29, 1942. Since that date, under agreement with the War Production Board, steps were taken to protect the property from deterioration. Construction of this branch bank by the respondent constituted such gross negligence that it must be deemed a wilful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted scarce materials and labor to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered*, That:

§ 1010.326 *Suspension Order S-326.* (a) Neither The National Shawmut Bank of Boston, its successors or assigns, nor any other person, shall order, purchase, accept delivery of, withdraw from inventory, or in any other manner secure or use any material or construction plant in order to continue or complete any "construction" (as "construction" is defined in Conservation Order L-41, as amended) on the buildings and premises located at 2 Westland Avenue, Boston, Massachusetts, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve The National Shawmut Bank of Boston, its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect June 4, 1943.

Issued this 2d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8978; Filed, June 2, 1943; 3:56 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-330]

ATLANTIC COMPANY

Atlantic Company is a Georgia corporation with its offices in Atlanta, Georgia and with a number of branches and breweries in several of the southeastern states. It deals in ice and coal, and operates cold storage plants and breweries. Conservation Order M-104, as amended May 30, 1942, provided a quota limiting the amount of metal closures made of tinplate, terneplate and blackplate, which might be used, to a percentage of those used during the corresponding months of 1941. In June, July and November, 1942, the Atlantic Company exceeded its quota to the extent of approximately 25,300 gross of such metal closures. It appears that the respondent's average monthly usage of new

closures for the first three months of 1943 was 27,950 gross of such metal closures. The respondent was familiar with the provisions of Conservation Order M-104 and its violations of that order as above described must therefore be deemed wilful and significant. As a result, critical materials were diverted from the war effort. In view of the foregoing, It is hereby ordered, That:

§ 1010.330 *Suspension Order S-330.*
(a) During the term of this order Atlantic Company, its successors and assigns, shall not use new closures made of tinplate, terneplate, or blackplate to be affixed to glass containers for malt beverages in excess of 17,350 gross per month, unless hereafter specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve Atlantic Company, its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on the first day of June 1943 and shall expire on August 31, 1943.

Issued this 2d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-8979; Filed, June 2, 1943;
3:56 p. m.]

PART 940—RUBBER AND BALATA AND PRODUCTS AND MATERIALS OF WHICH RUBBER OR BALATA IS A COMPONENT

[Amtd. 3 to Supplementary Order M-15-b as Amended April 13, 1943]

Section 940.3 *Supplementary Order M-15-b as Amended April 13, 1943* is hereby amended in the following respects:

1. By amending paragraph (a) (17) to read as follows:

(17) "War order" means any contract or purchase order for material or equipment:

(i) To be delivered to or for the account of any agency of the United States, including any independent regulatory commission or board, any executive department, independent establishment, commission, board, bureau, division, agency, administration, service, or office of the Executive branch of the Federal Government and any corporation operated by the Federal Government. The term does not include any contract or purchase order for (a) maintenance, operating or repair material or equipment to be delivered to or for the account of any Federal Government-owned or controlled plant or facility which is not operated by the Federal Government or, (b), material or equipment to be delivered to or for the account of any post exchange, ship's store, commissary, officer's mess, officers', non-commissioned officers' or enlisted men's club, or any similar agency or organization, whether or not such contract or

purchase order bears an endorsement purchased in Priorities Regulation No. 17.

(ii) To be delivered to, or for the account of any foreign country under the provisions of the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Required by the person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (i) and (ii) of this paragraph (a) (17).

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9017; Filed, June 3, 1943;
11:54 a. m.]

PART 1049—INCANDESCENT, FLUORESCENT AND OTHER ELECTRIC DISCHARGE LAMPS

[General Limitation Order L-28, as Amended June 3, 1943]

Whereas the demands of national defense have created a shortage of nickel, brass, copper and other materials used in the manufacture of incandescent lamps; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless their use in the manufacture of incandescent lamps is curtailed;

§ 1049.1 *General Limitation Order L-28—(a) Definitions.* For the purposes of this order:

(1) "Incandescent lamp" means any hermetically-sealed lamp or bulb, designed primarily to produce light, which makes use of a metal or carbon filament or metal wire strip, foil, or compound as the source of light.

(2) "Fluorescent lamp" means any hermetically-sealed electric discharge lamp or tube (other than a cold-cathode tube) in which the radiant energy from the electric discharge is converted by suitable phosphor coatings into visible wave lengths.

(3) "Glow discharge lamp" means any hermetically-sealed electric discharge lamp or tube (other than a fluorescent lamp) containing gases or vapors and designed to operate at impressed voltages of less than one thousand volts to produce visible light.

(4) "Blackout lamp" means any incandescent lamp having a lumen output of less than 1 lumen per watt, with an opaque coating on more than 50% of the external or internal glass surface.

(5) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(6) "Manufacturer" means any person who produces or assembles any incandescent, fluorescent or glow discharge lamp

or part thereof, or who coats, etches or otherwise marks any such lamps for use by any other person.

(7) "Wholesaler" means any person (other than a manufacturer) engaged in the business of selling incandescent, fluorescent or glow discharge lamps to dealers for resale, whether or not he also sells such lamps to the public.

(8) "Dealer" means any person (other than a manufacturer or wholesaler) engaged in the business of selling incandescent, fluorescent or glow discharge lamps to the public.

(9) "Military exemption order" means a purchase order, contract or subcontract for incandescent, fluorescent or glow discharge lamps, or parts for such lamps, to be purchased (or physically incorporated into lamps to be purchased) by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Panama Canal, or the armed forces of any country eligible for Lend-Lease assistance pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), when accompanied by a certification in the following form, signed by the appropriate procuring officer or the person placing such order:

This is to certify that all lamps (or lamp parts) specified in this order are to be used by the United States Army (or Navy, Maritime Commission, War Shipping Administration or Panama Canal, or armed services of a Lend-Lease country) on ships, aircraft, vehicles or weapons, or outside the continental limits of the United States.

Name

By -----

Any provision of this order which expressly permits the fulfillment of a military exemption order shall be deemed to permit a manufacturer to produce lamps or lamp parts to replace in his inventory lamps or lamp parts which, though not produced pursuant to military exemption orders, have been delivered by him pursuant to military exemption orders.

(b) *General restrictions.* (1) During the period of three months beginning October 1, 1942, and during each succeeding period of three months until otherwise ordered by the War Production Board, no manufacturer shall produce bases for incandescent, fluorescent and glow discharge lamps having a total weight greater than 31¼% of the total weight of such bases produced by him during 1940, except that any such manufacturer may, in addition to the foregoing quota, produce additional bases:

(i) Having a total weight equal to any part of his quota for the next succeeding period of three months: *Provided.* That he reduces his quota for such succeeding period of three months by an equivalent amount; and

(ii) Having a total weight equal to any unused part of his quota for the preceding period of three months.

(2) No manufacturer shall produce any incandescent lamps designed primarily for use on Christmas trees, or for advertising, decorative or display purposes.

(3) (i) Commencing April 1, 1943, no manufacturer shall produce or deliver any incandescent, fluorescent or glow discharge lamps except in accordance with the schedules approved or prescribed by the War Production Board as hereinafter provided; and no manufacturer shall alter such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(ii) On or before June 15, 1943, and on or before the fifteenth day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board in quadruplicate, Form PD-880, which shall include such manufacturer's proposed production and delivery schedules for incandescent, fluorescent, and other electric discharge lamps.

(iii) The War Production Board will notify manufacturers of its approval or disapproval of the production and delivery schedules for the calendar quarter, or longer period, covered in such schedules. The War Production Board may at any time, change any schedules; direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any incandescent lamps so listed to any other person, at the established price and terms.

(iv) If any schedule for production or deliveries approved under the provisions of this order does not correspond to the authorized production schedule approved for the same quarter under the Controlled Materials Plan (on Form CMP-4B, or any other designated form), then the schedule approved under this order shall constitute the authorized production schedule of that manufacturer.

(4) No wholesaler or dealer shall sell, lease, trade, lend, deliver, ship or transfer any photoflash or photoflood incandescent lamps, except:

(i) To a manufacturer, wholesaler or dealer;

(ii) In fulfillment of purchase orders or contracts bearing preference ratings of AA-4 or higher.

(5) No manufacturer or reclaimer of bases for incandescent, fluorescent or glow discharge lamps shall sell, transfer or deliver any bases for such lamps, except with the specific authorization of the War Production Board. On or before the 20th day of each calendar month, each manufacturer or reclaimer of bases for incandescent, fluorescent or glow discharge lamps shall file with the War Production Board a statement on Form PD-532 of the total metal weight of bases for incandescent and glow discharge lamps and the total number of bases for fluorescent lamps which he expects to be able to transfer or deliver during the next succeeding

calendar month. The War Production Board shall thereupon authorize on Form PD-532 each manufacturer or reclaimer of bases for incandescent, fluorescent or glow discharge lamps to deliver a maximum metal weight of bases for incandescent and glow discharge lamps and a maximum number of bases for fluorescent lamps during the succeeding calendar month to such manufacturers and other persons as said War Production Board may deem appropriate.

(6) No manufacturer shall produce any blackout lamp or convert any incandescent lamp into a blackout lamp by etching, painting or otherwise coating it, except:

(i) In fulfillment of a specific order, contract or subcontract for blackout lamps produced according to specifications approved by the Army or Navy of the United States for delivery of such lamps to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Panama Canal, or

(ii) Pursuant to specific authorization granted by the War Production Board.

(7) No manufacturer shall produce or accept delivery of any lamp leads, filament supports, terminals or lamp bases containing nickel, copper, brass or chromium, except:

(i) In electroplated coatings (except that no nickel may be used for plating lamp bases);

(ii) In alloys of controlled thermal expansion properties, provided that such alloys may be used only for sealing in glass in the minimum size and length required for such practical sealing;

(iii) Copper or nickel in sheathing on ferrous wire or strip, commonly called "copperweld" or "nickel-clad" or "copper-clad";

(iv) Brass in base eyelets, or pins;

(v) Brass bases for incandescent or glow discharge lamps in fulfillment of military exemption orders; or

(vi) Pursuant to specific authorization of the War Production Board granted on Form PD-556 pursuant to an application filed on Form PD-556.

(8) No manufacturer shall produce any incandescent, fluorescent or glow discharge lamps containing brass bases, except:

(i) Incandescent or glow discharge lamps in fulfillment of military exemption orders; or

(ii) Pursuant to specific authorization of the War Production Board.

(9) Notwithstanding the provisions of Priorities Regulation No. 1, Priorities Regulation No. 3, and any other War Production Board orders or regulations, no person shall apply or extend a rating of less than AA-4 to any order for incandescent, fluorescent or glow discharge lamps, and no rating less than AA-4 shall have any force or effect with respect to the acceptance and filling of any order for incandescent, fluorescent or glow discharge lamps.

(c) *Intra-company deliveries.* The restrictions of this order with respect to deliveries prohibit or restrict deliveries not only to other persons, including

affiliates or subsidiaries, but also from one branch, division or section of a single enterprise to another branch, division, or section of the same or any other enterprise under common ownership or control.

(d) *Avoidance of excessive inventories.* Manufacturers shall not accumulate for use in the manufacture of incandescent, fluorescent or glow discharge lamps, or parts therefor, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amounts necessary to maintain production of such lamps or parts as permitted by this order.

(e) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each person to whom this order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(h) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of or from processing or using material under priority control and may be deprived of priorities assistance.

(i) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by forwarding a letter addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref.: L-28, setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(j) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board, limits the use of any material in the production of incandescent, fluorescent or glow discharge lamps, or parts therefor, to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(k) *Applicability of regulations.* Except as provided in paragraph (b) (9), this order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(1) *Routing of correspondence.* All reports to be filed and other communications concerning this order should be addressed to the War Production Board, Consumers' Durable Goods Division, Washington, D. C., Ref.: L-28.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9016; Filed, June 3, 1943;
11:53 a. m.]

PART 1085—PLANTS CANNING OR PROCESSING FRUITS, VEGETABLES OR FISH

[Preference Rating Order P-115, as Amended June 3, 1943]

Part 1085 (formerly entitled "Maintenance and Operation of Plants Canning or Processing Fruits, Vegetables or Fish") is hereby amended to read "Part 1085, Plants Canning or Processing Fruits, Vegetables or Fish," and § 1085.1 *Preference Rating Order P-115* is hereby amended to read as follows:

§ 1085.1 *Preference Rating Order P-115*—(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning or otherwise processing fruits, vegetables, or fish, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this order is specifically issued.

(2) "Canning" means the preparation of fruits, vegetables, or fish for market by packing such fruits, vegetables, or fish (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Processing" means the primary preparation of fruits, vegetables or fish for market by freezing, dehydration, and packing for the fresh market.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind, used in the canning or processing of fruits, vegetables or fish, but does not include any planting or harvesting equipment, fishing vessels, or fishing equipment or office or transportation equipment, or material for the replacement of the structural or exterior parts of any building.

(5) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(6) "Material required for more efficient operation" means:

(i) Material necessary for the most effective use of machinery in existing production lines;

(ii) Material necessary for the expansion of a producer's facilities not including expansion within the meaning of "prohibited construction" as defined by Order L-41;

(iii) Material necessary for the conversion of a producer's facilities so as to permit the use by him of containers fabricated of less critical materials;

(iv) Material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(7) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(8) "Fish" includes shellfish.

(b) *Assignment of preference ratings.* Preference rating AA-3 is hereby assigned, subject to the restrictions and conditions of paragraph (c), to deliveries of material required by a producer for replacement, or for more efficient operation; excluding, however, any deliveries of material;

(1) For Maintenance, Repair or Operation obtained pursuant to the provisions of CMP Regulation 5.

(2) For any other purpose that, in the opinion of the War Production Board at the time application is made, as provided in paragraph (c) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Application of preference rating.* (1) A producer or any supplier, in order to apply or extend the preference rating assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) The producer shall not apply preference rating AA-3 assigned pursuant to this order, unless he shall have made application to the War Food Administrator on Form PD-285 describing the material needed and the nature of the proposed replacement or addition, and shall have received from the War Production Board a specific authorization to apply such rating.

(d) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Food Administrator, Department of Agriculture, Washington, D. C.; Ref: P-115.

(e) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Revocation or amendment.* This order may be revoked or amended at any time as to any producer or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications or extensions of the rating to any other deliveries shall thereafter be made by the

producer or supplier affected by such revocation.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9018; Filed, June 3, 1943;
11:54 a. m.]

PART 1108—PLANTS PROCESSING DAIRY PRODUCTS OR EGGS

[Preference Rating Order P-118 as Amended June 3, 1943]

Part 1108 (formerly entitled "Maintenance and Operation of Plants Processing Dairy Products or Eggs") is hereby amended to read "Part 1108, Plants Processing Dairy Products or Eggs," and § 1108.1 *Preference Rating Order P-118* is hereby amended to read as follows:

§ 1108.1 *Preference Rating Order P-118*—(a) *Definitions.* For the purposes of this order:

(1) "Processor" means any person located in the United States, its territories and possessions, engaged in the business of processing dairy products or eggs, or poultry, or any person located in the Dominion of Canada, to whom and in whose name, a copy of this order is specifically issued.

(2) "Processing dairy products" means the processing operations in connection with any of the following businesses, excluding operations performed at retail outlets in connection with retail sale, or at restaurants or hotels:

(i) Pasteurizing milk.

(ii) Receiving milk from other persons for cooling preparatory to reshipment for further processing.

(iii) Producing dairy products, for sale, by processing milk or cream in a plant not located on the farm where the milk was produced or by processing ice cream mix produced in the same plant or in another plant under the same ownership as the processing plant.

(3) "Processing eggs" means only the primary processing operations in connection with any of the following businesses performed in plants operating for the primary purpose of directly or indirectly supplying eggs to or for the War Food Administration or for the armed forces (or, in Canada, plants approved by the Special Products Board of Canada):

(i) Candling and grading eggs.

(ii) Breaking, packaging, and freezing liquid eggs.

(iii) Dehydrating eggs.

(4) "Processing poultry" means only the primary processing operations in connection with any of the following businesses performed in plants operating for the primary purpose of directly or indirectly supplying poultry to or for the War Food Administration or for the armed forces.

- (i) Dressing poultry (not eviscerated).
- (ii) Eviscerating poultry.
- (iii) Canning poultry and poultry products.

(iv) Feather drying.

(5) "Replacement" means substitution of new machinery or equipment for existing machinery or equipment, when not constituting repair.

(6) "Material required for more efficient operation" means:

(i) Material necessary for the most effective use of machinery in existing production lines;

(ii) Material necessary for the expansion of a processor's facilities not including expansion within the meaning of "prohibited construction" as defined by Order L-41;

(iii) Material necessary for the conversion of a processor's facilities so as to permit the use by him of containers fabricated of less critical materials;

(iv) Material required to adapt such lines to the requirements of Order M-81, as amended from time to time, and other orders restricting permitted uses of containers and closures.

(7) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a processor or to another supplier.

(b) *Assignment of preference ratings.* Preference rating AA-3 is hereby assigned, subject to the restrictions and conditions of paragraph (c), to deliveries of material required by a processor for replacement, or for more efficient operation; excluding, however, any deliveries of material.

(1) For maintenance, repair or operation obtained pursuant to the provisions of CMP Regulation 5.

(2) For any other purpose that, in the opinion of the War Production Board at the time application is made, as provided in paragraph (c) (2) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of Conservation Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like orders.

(c) *Application of preference rating.*

(1) A processor or any supplier, in order to apply or extend the preference rating assigned hereunder shall comply with Priorities Regulation No. 3, as it may be amended from time to time.

(2) The processor shall not apply preference rating AA-3 assigned pursuant to this order, unless he shall have made application to the War Food Administrator on Form PD-414 describing the material needed and the nature of the proposed replacement or addition, and shall have received from the War Production Board a specific authorization to apply such rating.

(d) *Communications.* All reports required to be filed hereunder, and all communications concerning this order, shall unless otherwise directed, be addressed to: War Food Administrator, Department of Agriculture, Washington, D. C.; Ref: P-118

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any depart-

ment or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(f) *Revocation or amendment.* This order may be revoked or amended at any time as to any processor or any supplier. In the event of revocation, deliveries already rated pursuant to this order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications or extensions of the rating to any other deliveries shall thereafter be made by the processor or supplier affected by such revocation.

(g) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9019; Filed, June 3, 1943;
11:54 a. m.]

PART 3114—SIMPLIFICATION AND STANDARDIZATION OF PORTABLE TOOLS, CHUCKING EQUIPMENT, MECHANICS' HAND SERVICE TOOLS, FILES, HACK AND BAND SAWS, VISES, MACHINE TOOL ACCESSORIES

[Schedule IV to Limitation Order L-216]

ROTARY FILES AND BURS

§ 3114.5 *Schedule IV to Limitation Order L-216—(a) Definitions.* For the purposes of this schedule, including the Appendix:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of rotary files.

(3) "Rotary file" means any file or bur which is held by means of a chucking device and rotated by a power driven shaft, excluding dental, medical, and craniotomy burs, finning burs, and small burs.

(4) "Finning bur" means any file or bur which has a shank diameter of $\frac{1}{4}$ ", a cutting diameter of $\frac{1}{4}$ " or less, and a cutting length of $1\frac{1}{2}$ " or more.

(5) "Small bur" means any file or bur which has a shank diameter of $\frac{3}{8}$ " or less.

(6) "Cutting diameter" means the maximum diameter of the cutting section of a rotary file which is marked dimension A in the illustrations in the attached Appendix.

(7) "Cutting length" means the maximum length of the cutting section of a rotary file which is marked dimension B in the illustrations in the attached Appendix.

(8) "Over-all length" means the maximum length of a rotary file, including

the cutting length, shoulder length and shank length, which is marked dimension C in the illustrations in the attached Appendix.

(9) "Chip-breaker" means an interrupted cut in the cutting section of a rotary file.

(10) "Distributor" means any person who purchases or accepts delivery of rotary files exclusively for resale and not for use.

(b) *Limitations on manufacture.* (1) On and after June 15, 1943, except as permitted by paragraph (b) (2) of this schedule, no person shall manufacture any rotary file in any size or shape other than the sizes and shapes specified in the attached Appendix, and then only as follows:

(i) Shanks for any rotary files having a cutting diameter of $\frac{1}{2}$ " or more shall be manufactured from carbon steel only.

(ii) The diameter of the shank for any rotary file having a cutting diameter of less than $\frac{1}{2}$ " shall be limited to $\frac{1}{4}$ ".

(iii) The over-all length of any rotary file having a cutting diameter of less than $\frac{1}{2}$ " shall not exceed $2\frac{1}{2}$ ", except that where the cutting length and shoulder length combined total $1\frac{1}{2}$ " or more, the shank length may be up to $1\frac{1}{2}$ ", and the over-all length may accordingly exceed $2\frac{1}{2}$ ".

(2) (i) Any producer may apply for permission to devote a percentage not to exceed 10 percent of his total monthly production of rotary files to orders for rotary files which are special cutting tools required for original tooling as defined in General Preference Order E-2-b and to other essential orders for special rotary files which do not conform to paragraph (b) (1) of this schedule.

(ii) Any producer now manufacturing rotary files having a cutting length shorter than that set forth in the attached Appendix may continue such manufacture subject, however, to all other limitations contained in this schedule; provided, however, that no such manufacturer shall also manufacture the same shape rotary file having the cutting length specified in the attached Appendix.

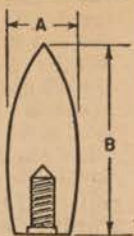
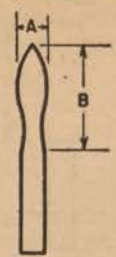
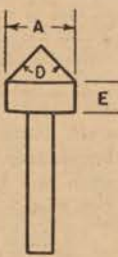
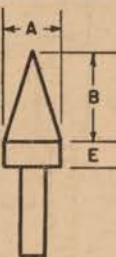
(c) *Selection of sizes for regular manufacture.* If, with respect to any shape of rotary files, it is indicated under a particular shape in the Appendix attached hereto that a certain size thereof shall be selected, each producer shall select such size as he may desire to manufacture regularly and shall forthwith give notice in writing of such selection to the War Production Board, Tools Division, Ref.: L-216 Schedule IV. The producer may thereafter apply for leave to amend the original selection, but unless and until such leave is granted by the War Production Board in writing, the original selection shall remain binding upon such producer.

(d) *Chip-breakers eliminated.* On and after June 15, 1943, no chip-breakers shall be cut in any new rotary files or in any used rotary files which are being resharpened or converted.

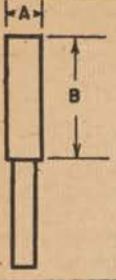
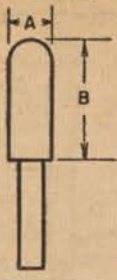
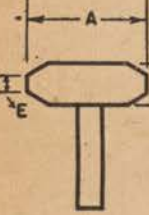
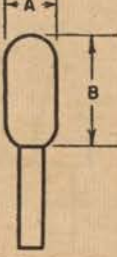
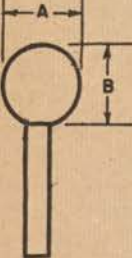
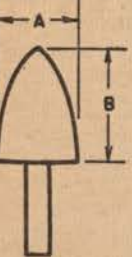
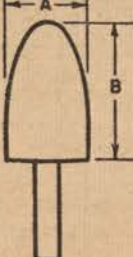
Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

Appendix to Schedule IV to L-216
(Dimension in inches)

FLAME SHAPE				BI-SHAPES, pointed end			
	A	B			A	B	
	5/8	7/8			1/4	1	
	5/8	1 7/16			5/16	1 1/8	
	3/4	1 3/4					
CONE SHAPES, 60° and 90°				CONE SHAPES, other			
	A	D	E		A	B	E
	1/2	60°	1/4		1/4	1/2	
	5/8	60°	1/4		1/4	3/4	
	3/4	60°	1/4		1/4	1	
	1/2	90°	1/4		1/4	1 1/4	
	5/8	90°	1/4		5/16	3/4	1/4
	3/4	90°	1/4		3/8	5/8	1/4

Appendix to Schedule IV to L-216—Continued
(Dimension in inches)

CYLINDRICAL SHAPES, flat end				CYLINDRICAL SHAPE, radius			
	A	B			A	B	
	1/8	1/2			1/8	1/2	
	1/4	1			1/4	1	
	3/8	1			3/8	1	
	1/2	1			1/2	1	
	3/4	3/4			5/8	1	
End Cut Optional							
CYLINDRICAL SHAPES, double taper				BARREL SHAPES			
	A	B	E		A	B	
	1 5/32	3/8	5/32		1/2	1	
BALL SHAPES				OVAL SHAPES			
	A	B			A	B	
	1/8	1/8			3/16		
	3/16	1/16			1/4		
	1/4	1/4			3/8		
	5/16	5/16			7/16		
	3/8	3/8			1/2		
	1/2	1/2			5/8		
	5/8	5/8			3/4		
	3/4	3/4			1		
Each producer shall select one cutting length (B) only for each cutting diameter (A).							
TREE SHAPES, pointed end				TREE SHAPES, radius end			
	A	B			A	B	
	1/4	1/2			1/4	3/4	
	3/8	3/4			3/8	3/4	
	1/2	3/4			1/2	1 1/8	
	1/2	1 1/8			3/4	1	
	5/8	1			1 1/8	2	

[F. R. Doc. 43-9020; Filed, June 3, 1943; 11:54 a. m.]

PART 3194—RECTIFIER TUBES

[General Limitation Order L-264 as Amended June 3, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rectifier tubes and of materials used in the manufacture of such tubes for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3194.1 General Limitation Order L-264—(a) Definitions. For the purposes of this order:

(1) "Rectifier tube" means any argon-filled, hermetically sealed bulb using a hot cathode, and designed to transform alternating into direct current, but limited to tungar, rectigon and similar types.

(2) "Manufacturer" means any person engaged in the business of producing or assembling any rectifier tube or part thereof.

(3) "Military exemption order" means a purchase order, contract or subcontract for rectifier tubes, or parts for such tubes (whether or not physically incorporated into rectifier tubes) to be

purchased by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration or the Armed Forces of any country eligible for Lend-Lease assistance pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(b) General restrictions. (1) On and after March 10, 1943 no manufacturer shall produce any bases for rectifier tubes containing any metal, except

(i) Iron and steel;

(ii) Copper, copper base alloys and zinc in protective coatings;

(iii) Copper or copper base alloys in fulfillment of military exemption orders;

(iv) Brass in eyelets or pins; or

(v) Pursuant to specific authorization of the War Production Board granted on Form PD-556 pursuant to an application filed on said Form.

(2) On or before the 15th day of June, 1943, and on or before the 15th day of each third succeeding calendar month thereafter, each manufacturer shall file with the War Production Board, Form PD-880 which shall include:

(i) Such manufacturer's proposed production schedules for rectifier tubes so far as then planned, but in any event for not less than the three calendar months following the filing of the report; and

(ii) His proposed delivery schedules of rectifier tubes so far as then planned, but in any event for not less than the three calendar months following such filing. The War Production Board shall notify manufacturers of their approval or disapproval of the production and delivery schedules for the calendar quarter or more covered in the report. The War Production Board may, at any time, change any schedules, direct the cancellation of any order shown on any schedule; prescribe any other schedule for production or deliveries for any period, regardless of whether a schedule for such period, or any part thereof, has been reported by the manufacturer or theretofore approved by the War Production Board; allocate any order listed on the report to any other manufacturer; or direct the delivery of any rectifier tubes so listed to any other person, at the established price and terms. No manufacturer shall produce or deliver any rectifier tubes except in accordance with schedules approved or prescribed by the War Production Board as above provided; and no manufacturer shall alter any such approved or prescribed production or delivery schedules unless authorized or directed to do so by the War Production Board.

(iii) If the schedule for production or deliveries approved under the provisions of this order do not correspond to the authorized production schedule approved for the same quarter under the Controlled Materials Plan (on Form CMP-4B, or any other designated form) then the schedule approved under this order shall constitute the authorized production schedule of the manufacturer.

(c) Applicability of other orders. In so far as any other order heretofore or hereafter issued by the War Production

Board limits the use of any material in the production of rectifier tubes to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(d) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(e) *Avoidance of excessive inventories.* No manufacturer shall accumulate for use in the manufacture of rectifier tubes or parts therefor, including inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production as permitted by this order.

(f) *Records.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales.

(g) *Audit and inspection.* All reports required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(j) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(k) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington, D. C., Ref: L-264.

Issued this 3rd day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9021; Filed, June 3, 1943;
11:53 a. m.]

Subchapter C—Director, Office of War Utilities

PART 4502—COMMUNICATIONS

[Interpretation 1 of Utilities Order U-3]

The following official interpretation is hereby issued with respect to § 4502.1 Utilities Order U-3.

The ratings and symbol assigned by Utilities Order U-3 to telephone operators may be used to obtain maintenance, repair and op-

erating supplies for general office, branch offices, warehouses, and other facilities essential to the conduct of the telephone business.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9013; Filed, June 3, 1943;
11:54 a. m.]

PART 4503—COMMUNICATIONS

[Interpretation 1 of Utilities Order U-4]

The following official interpretation is hereby issued with respect to § 4503.1 Utilities Order U-4.

The ratings and symbol assigned by Utilities Order U-4 to telegraph operators may be used to obtain maintenance, repair and operating supplies for general office, branch offices, warehouses, and other facilities essential to the conduct of the telegraph business.

Issued this 3d day of June 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 43-9014; Filed, June 3, 1943;
11:55 a. m.]

Chapter XI—Office of Price Administration

PART 1499—COMMODITIES AND SERVICES

[Order 24 Under § 1499.29 of GMPR]

JARDINE MINING COMPANY

Order No. 24 under § 1499.29 of the General Maximum Price Regulation; Docket No. GF3-3260.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.424 *Denying adjustment to Jardine Mining Company, Butte, Montana.* (a) The petition of the Jardine Mining Company, 19 West Granite Street, Butte, Montana, Docket No. GF3-3260, for an adjustment of the maximum prices established by the General Maximum Price Regulation for sales of arsenic, is denied.

This order shall become effective June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; O.E. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8985; Filed, June 2, 1943;
4:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 57 Under SR 15 to GMPR]

W. E. HEDGER TRANSPORTATION CORP.

Order No. 57 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3209.

For the reasons set forth in an opinion issued simultaneously herewith: *It is ordered:*

§ 1499.1357 *Adjustment of maximum prices for contract carrier services by W. E. Hedger Transportation Corpora-*

tion, New York, New York. (a) W. E. Hedger Transportation Corporation, a corporation with principal offices located in New York, New York, may sell and deliver contract carrier services for the transportation by barge of sulphur from Buffalo, New York, to New York City, New York, and vicinity at prices not to exceed \$2.25 per ton.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 57 (§ 1499.1357) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 57 (§ 1499.1357) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 57 (§ 1499.1357) shall become effective as of May 4, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8986; Filed, June 2, 1943;
4:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 58 Under SR 15 to GMPR]

PAUL G. APGER

Order No. 58 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-1041.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1358 *Adjustment of maximum prices for contract carrier services furnished by Paul G. Apger.* (a) Paul G. Apger, 309 Ido Avenue, Akron, Ohio may sell and furnish contract carrier services to the Firestone Tire & Rubber Co. and its affiliates in connection with the transportation of tire, tubes, rubber products, auto parts and accessories, tire fabric and chemicals from, to and between points in Connecticut, Massachusetts, New Jersey, New York, and Ohio at prices not to exceed 6% above the maximum prices established by him under the General Maximum Price Regulation as more fully set forth in Exhibit 2 of his application for adjustment.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 58 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 58 (§ 1499.1358) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 58 (§ 1499.1358) shall become effective June 3, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8987; Filed, June 2, 1943;
4:40 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 59 Under SR 15 to GMPR]

HUSTON, CULVER & CO., INC.

Order No. 59 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3115.

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

§ 1499.1359 *Adjustment of maximum prices for contract carrier services furnished by Huston, Culver & Co., Inc.* (a) Huston, Culver & Co., Inc. of Seaford, Delaware, may sell and furnish contract carrier services to E. I. DuPont de Nemours & Company of Wilmington, Delaware, in connection with the transportation of fuel oil from Baltimore, Maryland, to Seaford, Delaware, at prices not to exceed 19½ cents per barrel.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 59 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 59 (§ 1499.1359) is hereby incorporated as a Section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 59 (§ 1499.1359) shall become effective as of February 10, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8988; Filed, June 2, 1943; 4:41 p. m.]

PART 1444—ICE BOXES

[MPR 399]

NEW ICE BOXES

In the judgment of the Price Administrator, the maximum prices established by this Maximum Price Regulation No. 399 are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

§ 1444.1 *Maximum prices for new ice boxes.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders No. 9250 and No. 9328, Maximum Price Regulation No. 399 (New Ice Boxes), which is annexed hereto and made a part hereof, is hereby issued.

MAXIMUM PRICE REGULATION 399—NEW ICE BOXES

CONTENTS

- Sec. 1 What ceiling prices are fixed by this regulation.
2 Ceiling prices for sales of new ice boxes at retail.

Sec. CONTENTS—Continued.

- 3 Ceiling prices for wholesalers.
4 Taxes.
5 Sales for export.
6 Credit and other charges.
7 Tagging.
8 Sales slips, receipts, and invoices.
9 Enforcement.
10 Petitions for amendment.
11 Applicability of the General Maximum Price Regulation.
12 Licensing and registration.
13 Geographical applicability.
14 Table A: Retail ceiling prices in each State for sales of ice boxes by ice companies and retail establishments controlled by ice companies.
15 Table B: Retail ceiling prices for sales of ice boxes by mail order houses when selling from a mail order catalog.
16 Table C: Ceiling prices in each State for all other sales of ice boxes at retail.

AUTHORITY: § 1444.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

SECTION 1. *What ceiling prices are fixed by this regulation.* This regulation fixes ceiling prices for sales of new ice boxes at retail (including sales by mail order houses and ice companies) and at wholesale. A sale at retail is a sale by a person other than the manufacturer to a person who buys for use. A sale at wholesale is a sale by a person other than the manufacturer to a person who buys for resale. Sales by manufacturers are covered by Maximum Price Regulation No. 188. Ice boxes not listed in the Tables below may not be sold at wholesale or retail unless an order has been issued under this section establishing ceiling prices for such sales. Orders will be issued by the Office of Price Administration, Washington, D. C., upon application.

SEC. 2 *Ceiling prices for sales of new ice boxes at retail.* Ceiling prices for the various makes and models of ice boxes for sale at retail are listed below in Tables A, B, and C.

Table A, set forth as section 14, lists retail ceiling prices for sales by ice companies and by retail establishments controlled by ice companies. No amount may be added to the ceiling prices listed in Table A for delivery to the buyer.

Table B, set forth as section 15, lists ceiling prices for mail order sales by mail order houses. The prices listed in Table B are f. o. b. shipping point.

Table C, set forth as section 16, lists ceiling prices for all other sales of ice boxes at retail, including sales by a retail store of a mail order house. No amount may be added to the ceiling prices listed in Table C for delivery to the buyer.

SEC. 3 *Ceiling prices for wholesalers.* Ceiling prices for sales at wholesale are 60% of the retail base price as shown in Column I of Table C plus the difference between the base price and the retail ceiling price for the state in which the wholesaler's warehouse is located. The wholesale ceiling price is f. o. b. warehouse.

SEC. 4 *Taxes.* Any tax upon or incident to the sale of a new ice box may be added to the ceiling prices established by this regulation, provided that the tax is separately stated and charged.

*Copies may be obtained from the Office of Price Administration.

SEC. 5 *Sales for export.* The ceiling price at which a person may export any new ice box is established by the provisions of the Second Revised Maximum Export Price Regulation.

SEC. 6 *Credit and other charges.* Charges for the extension of credit may be added to the maximum retail prices established by this regulation only to the extent permitted by this section. All such charges shall be quoted and billed separately.

(a) Sellers who in March 1942 separately stated and collected an additional charge for the extension of credit on sales of ice boxes or like articles may collect a charge for the extension of credit on sales under this regulation. The charge collected must not exceed the charge in March 1942 on a similar sale to the same class of purchaser. Other sellers may make a charge for the extension of credit only on installment-plan sales, not on charge-account sales. The charge shall not exceed the additional charge separately stated and collected for the extension of similar credit in March 1942 by the seller's closest competitor who made such a charge.

An installment-plan sale, as used in the above paragraph, means a sale where the unpaid balance is to be paid in installments over a period of (1) six weeks or more from the date of sale in the case of weekly installments or (2) eight weeks or more in the case of other than weekly installments.

(b) Any charge which is not quoted and billed separately in connection with the sale of an ice box, whether for credit or otherwise, shall, for the purposes of this regulation, be considered to be part of the price charged for the article sold.

(c) No seller may require as a condition of sale that the purchaser must buy on credit, or buy accessories or any other commodity or service.

SEC. 7 *Tagging.* No person shall sell or offer to sell a new ice box at retail unless a tag is attached to the ice box which states the manufacturer's name or the brand name, the model, the rated ice capacity, ceiling price, and selling price. A tag in the following form is satisfactory:

Make or brand.....
Model..... Ice capacity.....
Ceiling price.....
Selling price.....

This tag must not be removed before delivery to the purchaser.

SEC. 8 *Sales slips, receipts and invoices.* Every person selling a new ice box in the course of trade or business shall furnish the buyer with a sales slip, receipt, invoice or other writing, stating the date of the sale, the make or brand and model, the price charged, the nature and amount of any additional charges (which must be separately stated) and the name and address of the buyer. A copy of such sales slip, receipt, invoice, or other writing shall be kept by the seller, and the original shall be kept by any buyer in the course of trade or business, for inspection by the Office of Price Administration.

SEC. 9 *Enforcement.* (a) Persons violating any provisions of this Maximum

Price Regulation No. 399 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 399 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

Sec. 10 Petitions for amendment. Persons seeking any change in this Maximum Price Regulation No. 399 or an exception not provided for in the regulation may file petitions for amendment in accordance with the provisions of Revised Procedural Regulation No. 1,² issued by the Office of Price Administration.

Sec. 11 Applicability of the General Maximum Price Regulation.³ Except as provided in section 12, the provisions of this Maximum Price Regulation No. 399 supersede the provisions of the General

² 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

³ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047.

Maximum Price Regulation, including the provisions of §§ 1499.13, 1499.14 and 1499.25 with respect to sales and deliveries for which maximum prices are established by this Maximum Price Regulation No. 399.

Sec. 12 Licensing and registration. The licensing and enforcement provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation apply to every person making sales of new ice boxes at retail and wholesale.

Sec. 13 Geographical applicability. This maximum price regulation applies only to the forty-eight states, and the District of Columbia.

SEC. 14 Table A: Retail Ceiling Prices in Each State for Sales of Ice Boxes by Ice Companies and Retail Establishments Controlled by Ice Companies. No amount may be added to these ceiling prices for delivery to the buyer.

Manufacturer	Brand	Model	Ice cap.	Retail base price	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	D. C.	Fla.	Ga.	Idaho	Ill.
			Lbs.													
Alaska Refrigerator Co.		A-75	50	\$31.25	\$31.25	\$32.00	\$31.25	\$32.00	\$31.75	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$32.00	\$31.25
American Fixture & Mfg. Co.		A-285	75	57.25	57.25	58.25	57.25	58.25	57.50	57.25	57.25	57.25	57.50	57.25	57.25	57.25
Atkins Table & Cabinet Co.		300	75	42.50	42.50	44.00	42.75	44.00	43.50	42.50	42.50	42.50	42.50	42.50	44.00	42.50
Brunswick Refrigerator Co.		308	75	39.75	39.75	40.25	39.75	40.75	40.50	39.75	39.75	39.75	39.75	39.75	40.75	39.75
Coleman Furniture Co.		VC-75	75	74.75	74.75	77.25	76.25	77.25	77.25	75.00	74.75	74.75	75.25	75.00	77.25	74.75
Colson Metal Products Co.		EM-75	75	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25
Coolerator Co., The	Coolerator	V-6	75	66.25	67.00	68.00	67.50	68.00	67.25	67.00	67.00	67.00	68.00	67.25	67.75	66.25
Dean, Geo. H., Inc.	Dean	D-75	75	65.50	65.75	67.50	66.25	67.50	67.00	65.50	65.50	65.50	65.75	65.75	67.50	65.50
Dratch's Victory Ref. Box		333	75	41.25	41.25	42.25	41.25	42.25	41.75	41.25	41.25	41.25	41.25	41.25	42.25	41.25
Fy-Boro Metal Products Co., Inc.	StaKold	650	75	42.00	42.00	43.00	42.00	43.00	42.75	42.00	42.00	42.00	42.00	42.00	43.00	42.00
Ice Cooling Appliance Corp.	Automatic	V-50	50	41.25	41.25	41.50	41.25	41.50	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	57.25	57.25	58.50	57.25	58.50	57.50	57.25	57.25	57.25	57.75	67.25	58.25	57.25
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	41.25	41.25	41.50	41.25	41.50	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	57.25	57.25	58.50	57.25	58.50	57.50	57.25	57.25	57.25	57.75	67.25	58.25	57.25
Iceland Ref. Co., Inc.		700	75	38.25	38.25	38.75	38.50	39.50	39.00	38.25	38.25	38.25	38.25	38.25	39.50	38.25
King Refrigerator Corp.		A	75	43.50	43.50	44.00	43.50	44.50	44.00	43.50	43.50	43.50	43.50	43.50	44.50	43.50
Maine Manufacturing Co.	White Mountain	1557	40	26.75	26.75	27.25	26.75	27.50	27.25	26.75	26.75	26.75	26.75	26.75	27.50	26.75
Maine Manufacturing Co.	White Mountain	1558	50	31.25	31.25	32.25	31.25	32.25	32.00	31.25	31.25	31.25	31.25	31.25	32.25	31.25
Maine Manufacturing Co.	White Mountain	1559	75	37.00	37.00	38.50	37.25	38.50	38.00	37.00	37.00	37.00	37.00	37.00	38.50	37.00
Maine Manufacturing Co.	White Mountain	2057	40	31.25	31.25	32.00	31.25	32.00	31.75	31.25	31.25	31.25	31.25	31.25	32.00	31.25
Maine Manufacturing Co.	White Mountain	2058	50	35.75	35.75	37.00	36.00	37.00	36.50	35.75	35.75	35.75	35.75	35.75	37.00	35.75
Maine Manufacturing Co.	White Mountain	2059	75	39.50	39.50	41.00	40.00	41.00	40.75	39.50	39.50	39.50	39.75	39.50	41.00	39.50
Maine Manufacturing Co.	White Mountain	2258	50	42.00	42.00	43.25	42.25	43.25	43.00	42.00	42.00	42.00	42.00	42.00	43.25	42.00
Maine Manufacturing Co.	White Mountain	2259	75	46.25	46.25	48.00	46.75	48.00	47.50	46.25	46.25	46.25	46.50	46.25	48.00	46.25
Modern Ref. Co. (N. Y.)		100	75	42.00	42.00	43.00	42.00	43.00	42.75	42.00	42.00	42.00	42.00	42.00	43.00	42.00
Modern Ref. Works (Cal.)	Modern	D-60	50	46.75	48.00	46.75	47.75	46.75	47.50	48.25	48.25	48.25	48.75	48.00	48.25	47.75
Modern Ref. Works	Modern	D-30	50	34.95	34.95	34.95	34.95	34.95	34.95	35.25	35.25	35.25	35.50	34.95	34.95	34.95
Modern Ref. Works	Modern	D-60	50	46.75	47.75	46.75	47.50	46.75	47.50	48.25	48.25	48.25	48.75	48.00	48.25	47.75
Modern Ref. Works	Modern	M-75	75	56.95	59.00	57.50	58.75	58.95	58.50	59.50	59.50	59.50	59.95	59.25	59.50	58.75
Progress Ref. Co.	Progress	50	50	64.75	64.75	66.25	64.75	66.25	65.50	64.75	64.75	64.75	65.00	64.75	66.25	64.75
Progress Ref. Co.	Progress	75	75	75.00	75.00	77.00	75.25	77.50	76.50	75.50	75.25	75.25	75.75	75.25	77.50	75.00
Sanitary Ref. Co.	Sanitary	MV-2125	75	49.75	49.95	51.25	49.95	51.25	50.25	49.95	49.75	49.75	50.25	50.25	51.25	49.75
Sanitary Ref. Co.	Sanitary	MV-2126	75	57.50	57.75	59.00	57.75	59.00	58.00	57.75	57.75	57.75	58.25	58.00	59.00	57.50
Seeger Ref. Co.		V-75	75	65.50	65.50	67.25	66.25	67.25	66.25	66.00	66.00	66.00	67.00	66.50	67.25	65.50

Manufacturer	Brand	Model	Ice cap.	Retail base price	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
			Lbs.												
Alaska Refrigerator Co.		A-75	50	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25	\$31.25
American Fixture & Mfg. Co.		A-285	75	57.25	57.25	57.25	57.25	57.25	57.25	57.50	57.25	57.25	57.25	57.25	57.25
Atkins Table & Cabinet Co.		300	75	42.50	42.50	42.50	43.00	42.50	43.00	42.50	42.50	42.50	42.50	42.50	42.50
Brunswick Refrigerator Co.		308	75	39.75	39.75	39.75	40.00	39.75	40.00	39.75	39.75	39.75	39.75	39.75	39.75
Coleman Furniture Co.		VC-75	75	74.75	74.75	75.75	76.50	74.75	76.50	75.50	74.75	75.00	75.25	76.25	75.00
Colson Metal Products Co.		EM-75	75	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25
Coolerator Co., The	Coolerator	V-6	75	66.25	66.50	66.25	66.75	66.50	67.75	67.25	67.00	67.00	66.25	66.25	67.25
Dean, Geo. H., Inc.	Dean	D-75	75	65.50	65.50	65.75	66.50	65.50	66.50	65.50	65.50	65.50	65.50	66.00	66.00
Dratch's Victory Ref. Box		333	75	41.25	41.25	41.25	41.50	41.25	41.50	41.25	41.25	41.25	41.25	41.25	41.25
Fy-Boro Metal Products Co., Inc.	StaKold	650	75	42.00	42.00	42.00	42.25	42.00	42.25	42.00	42.00	42.00	42.00	42.00	42.00
Ice Cooling Appliance Corp.	Automatic	V-50	50	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	57.25	57.25	57.25	57.25	57.25	57.50	57.50	57.25	57.25	57.25	57.25	57.25
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	57.25	57.25	57.25	57.25	57.25	57.50	57.50	57.25	57.25	57.25	57.25	57.25
Iceland Ref. Co., Inc.		700	75	38.25	38.25	38.25	38.50	38.25	38.50	38.25	38.25	38.25	38.25	38.25	38.25
King Refrigerator Corp.		A	75	43.50	43.50	43.50	43.50	43.50	43.50	43.50	43.50	43.50	43.50	43.50	43.50
Maine Manufacturing Co.	White Mountain	1557	40	26.75	26.75	26.75	26.75	26.75	26.75	26.75	26.75	26.75	26.75	26.75	26.75
Maine Manufacturing Co.	White Mountain	1558	50	31.25	31.25	31.25	31.50	31.25	31.75	31.25	31.25	31.25	31.25	31.25	31.25
Maine Manufacturing Co.	White Mountain	1559	75	37.00	37.00	37.00	37.50	37.00	37.50	37.00	37.00	37.00	37.00	37.25	37.25
Maine Manufacturing Co.	White Mountain	2057	40	31.25	31.25	31.25	31.25	31.25	31.50	31.25	31.25	31.25	31.25	31.25	31.25
Maine Manufacturing Co.	White Mountain	2058	50	35.75	35.75	35.75	36.25	35.75	36.25	35.75	35.75	35.75	35.75	36.00	35.75
Maine Manufacturing Co.	White Mountain	2059	75	39.50	39.50	39.75	40.00	39.50	40.25	39.50	39.50	39.50	39.50	39.75	39.75
Maine Manufacturing Co.	White Mountain	2258	50	42.00	42.00	42.00	42.50	42.00	42.50	42.00	42.00	42.00	42.00	42.25	42.00
Maine Manufacturing Co.	White Mountain	2259	75	46.25	46.25	46.50	47.00	46.25	47.00	46.25	46.25	46.25	46.25	46.75	46.50
Modern Ref. Co. (N. Y.)		100	75	42.00	42.00	42.00	42.25	42.00	42.25	42.00	42.00	42.00	42.00	42.00	42.00
Modern Ref. Works (Cal.)	Modern	D-60	50	46.75	48.00	47.75	47.50	48.00	47.75	48.25	48.25	48.25	48.00	48.00	48.00
Modern Ref. Works	Modern	D-30	50	34.95	34.95	34.95	34.95	34.95	34.95	35.25	35.25	35.25	34.95	34.95	34.95
Modern Ref. Works	Modern	D-60	50	46.75	47.75	47.50	47.50	46.75	47.50	48.25	48.25	48.25	47.75	47.75	47.75
Modern Ref. Works	Modern	M-75	75	56.95	59.00	58.75	58.50	59.00	58.75	59.50	59.50	59.50	58.50	58.00	58.00
Progress Ref. Co.	Progress	50	50	64.75	64.75	64.75	65.00	64.75	65.00	64.75	64.75	64.75	65.00	64.75	64.75
Progress Ref. Co.	Progress	75	75	75.00	75.00	75.25	75.75	75.00	75.50	75.75	75.75	75.75	75.50	75.50	75.25
Sanitary Ref. Co.	Sanitary	MV-2125	75	49.75	49.75	49.75	49.75	49.75	50.25	50.25	49.95	49.95	49.75	49.75	49.95
Sanitary Ref. Co.	Sanitary	MV-2126	75	57.50	57.50	57.50	57.50	57.50	58.00	58.00	57.50	57.75	57.50	57.50	57.75
Seeger Ref. Co.		V-75	75	65.50	65.50	65.50	65.75	65.75	66.75	66.50	66.00	66.25	66		

Table A—Continued

Manufacturer	Brand	Model	Rated ice capacity	Base price	Mo.	Mont.	Nebr.	Nev.	N. H.	N. J.	N. M.	N. Y.	N. C.	N. D.	Ohio	Okl.	Oreg.
Alaska Refrigerator Co.		A-75	Lbs.	50	\$31.25	\$31.25	\$32.00	\$31.25	\$32.00	\$31.25	\$31.25	\$32.00	\$31.25	\$31.25	\$31.40	\$31.25	\$32.00
American Fixture & Mfg. Co.		A-285	75	57.25	57.25	58.25	57.25	58.25	57.25	57.25	58.25	57.25	57.25	57.25	57.25	57.25	58.25
Atkins Table & Cabinet Co.		300	75	42.50	42.50	44.00	43.00	44.00	42.50	42.50	44.00	42.50	42.50	43.25	42.50	43.00	44.00
Brunswick Refrigerator Co.		308	75	39.75	39.75	40.75	40.00	40.75	39.75	39.75	40.75	39.75	39.75	40.25	39.75	40.00	40.75
Coleman Furniture Co.		VC-75	75	74.75	75.75	77.25	76.50	77.25	75.25	74.75	77.25	74.75	74.75	77.25	74.75	76.75	77.25
Colson Metal Products Co.		EM-75	75	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25
Cooler Co., The	Cooler	V-6	75	66.25	66.25	67.25	66.50	67.00	67.00	67.00	67.00	67.00	67.00	67.00	66.50	67.00	67.50
Dean, Geo. H., Inc.	Dean	D-75	75	65.50	65.75	67.50	66.25	67.50	65.50	65.50	67.50	65.50	65.50	66.50	65.50	66.50	67.50
Dratch's Victory Ref. Box		333	75	41.25	41.25	42.25	41.50	42.25	41.25	41.25	42.25	41.25	41.25	41.50	41.25	41.50	42.25
Fy-Boro Metal Prods. Co., Inc.	Sta-Kold	650	75	42.00	42.00	43.00	42.25	43.00	42.00	42.00	43.00	42.00	42.00	42.50	42.00	42.25	43.00
Ice Cooling Appliance Corp.	Automatic	V-50	50	41.25	41.25	41.25	41.25	41.50	41.25	41.25	41.50	41.25	41.25	41.25	41.25	41.25	41.50
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	57.25	57.25	58.00	57.25	58.50	57.25	57.25	58.50	57.25	57.25	57.25	57.25	57.25	58.50
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	41.25	41.25	41.25	41.25	41.50	41.25	41.25	41.50	41.25	41.25	41.25	41.25	41.25	41.50
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	57.25	57.25	58.00	57.25	58.50	57.25	57.25	58.50	57.25	57.25	57.25	57.25	57.25	58.50
Iceland Refrigerator Co., Inc.		700	75	38.25	38.25	39.50	38.50	39.50	38.25	38.25	39.50	38.25	38.25	38.25	38.25	38.50	39.50
King Refrigerator Corp.		A	75	43.50	43.50	44.50	43.50	44.50	43.50	43.50	44.50	43.50	43.50	43.50	43.50	43.75	44.50
Maine Manufacturing Co.	White Mountain	1557	40	26.75	26.75	27.50	26.75	27.50	26.75	26.75	27.50	26.75	26.75	27.00	26.75	26.75	27.50
Maine Manufacturing Co.	White Mountain	1558	50	31.25	31.25	32.25	31.50	32.25	31.25	31.25	32.25	31.25	31.25	31.25	31.25	31.25	32.25
Maine Manufacturing Co.	White Mountain	1559	75	37.00	37.00	38.50	37.50	38.50	37.00	37.00	38.50	37.00	37.00	37.75	37.00	37.50	38.50
Maine Manufacturing Co.	White Mountain	2057	40	31.25	31.25	32.00	31.25	32.00	31.25	31.25	32.00	31.25	31.25	31.50	31.25	31.25	32.00
Maine Manufacturing Co.	White Mountain	2058	50	35.75	35.75	37.00	36.00	37.00	35.75	35.75	37.00	35.75	35.75	36.25	35.75	36.25	37.00
Maine Manufacturing Co.	White Mountain	2059	75	39.50	39.50	41.00	40.00	41.00	39.50	39.50	41.00	39.50	39.50	40.25	39.50	40.25	41.00
Maine Manufacturing Co.	White Mountain	2258	50	42.00	42.00	43.00	42.50	43.00	42.00	42.00	43.00	42.00	42.00	42.50	42.00	42.50	43.00
Maine Manufacturing Co.	White Mountain	2259	75	46.25	46.25	48.00	46.75	48.00	46.25	46.25	48.00	46.25	46.25	47.25	46.25	47.00	48.00
Modern Refrigerator Co. (N. Y.)		100	75	42.00	42.00	43.00	42.25	43.00	42.00	42.00	43.00	42.00	42.00	42.00	42.00	42.25	43.00
Modern Refrigerator Works (Cal.)	Modern	D-60	50	46.75	47.75	48.50	47.50	48.75	48.25	48.25	49.00	48.25	48.25	47.75	48.00	47.50	47.75
Modern Refrigerator Works	Modern	D-30	50	34.95	34.95	35.25	35.25	35.25	35.25	35.25	34.95	35.25	35.25	35.25	34.95	34.95	34.95
Modern Refrigerator Works	Modern	D-60	50	46.75	47.50	48.25	47.50	48.75	48.25	48.25	49.00	48.25	48.25	47.50	47.75	47.50	47.75
Modern Refrigerator Works	Modern	M-75	75	56.95	58.75	59.75	58.50	59.50	58.50	59.50	58.50	59.50	59.50	58.50	58.50	58.50	59.50
Progress Refrigerator Co.	Progress	50	50	64.75	64.75	66.25	65.00	66.25	64.75	64.75	66.25	64.75	64.75	65.50	64.75	65.00	66.25
Progress Refrigerator Co.	Progress	75	75	75.00	75.00	77.50	76.75	77.50	75.00	75.00	77.50	75.00	75.00	76.25	75.00	75.50	77.50
Sanitary Refrigerator Co.	Sanitary	MV-2125	75	49.75	49.75	51.00	49.75	51.25	49.95	49.95	51.25	49.75	49.95	49.95	49.75	49.95	51.25
Sanitary Refrigerator Co.	Sanitary	MV-2126	75	57.50	57.50	58.75	57.50	59.00	57.75	57.75	59.00	57.50	57.75	57.75	57.50	57.75	59.00
Seeger Refrigerator Co.		V-75	75	65.50	65.50	67.00	65.50	67.25	66.25	66.00	67.25	66.00	66.50	65.50	65.50	66.25	67.25

Manufacturer	Brand	Model	Rated ice capacity	Base price	Pa.	R. I.	S. C.	S. D.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wisc.	Wyo.
			Lbs.														
Alaska Refrigerator Co.		A-75	50	\$31.25	\$31.25	\$31.25	\$31.25	\$31.50	\$31.25	\$31.50	\$32.00	\$31.25	\$31.25	\$32.00	\$31.25	\$31.25	\$31.75
American Fixture & Mfg. Co.		A-285	75	57.25	57.25	57.25	57.25	57.25	57.25	57.50	58.25	57.25	57.25	58.25	57.25	57.25	57.50
Atkins Table & Cabinet Co.		300	75	42.50	42.50	42.50	42.50	43.00	42.50	43.25	44.00	42.50	42.50	44.00	42.50	42.50	43.50
Brunswick Refrigerator Co.		308	75	39.75	39.75	39.75	39.75	40.00	39.75	40.25	40.75	39.75	39.75	40.75	39.75	39.75	40.50
Coleman Furniture Co.		VC-75	75	74.75	74.75	75.00	74.75	77.00	74.75	77.25	77.25	75.25	74.75	77.25	74.75	75.00	77.25
Colson Metal Products Co.		EM-75	75	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25	57.25
Cooler Co., The	Cooler	V-6	75	66.25	66.75	67.00	67.50	66.50	66.75	67.00	67.50	67.00	67.00	67.50	66.75	66.25	67.25
Dean, Geo. H., Inc.	Dean	D-75	75	65.50	65.50	65.50	65.50	66.50	65.75	66.75	67.50	65.50	65.50	66.50	65.50	65.50	67.00
Dratch's Victory Ref. Box		333	75	41.25	41.25	41.25	41.25	41.50	41.25	41.75	42.25	41.25	41.25	42.25	41.25	41.25	41.75
Fy-Boro Metal Prods. Co., Inc.	Sta-Kold	650	75	42.00	42.00	42.00	42.00	42.25	42.00	42.50	43.00	42.00	42.00	43.00	42.00	42.00	42.75
Ice Cooling Appliance Corp.	Automatic	V-50	50	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	57.25	57.25	57.25	57.25	57.25	57.25	57.25	58.00	57.25	57.25	58.50	57.25	57.25	57.50
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.25	41.40	41.25	41.25	41.25
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	57.25	57.25	57.25	57.25	57.25	57.25	57.25	58.00	57.25	57.25	58.50	57.25	57.25	57.50
Iceland Refrigerator Co., Inc.		700	75	38.25	38.25	38.25	38.25	38.75	38.25	38.75	39.50	38.25	38.25	39.50	38.25	38.25	39.00
King Refrigerator Corp.		A	75	43.50	43.50	43.50	43.50	43.75	43.50	43.75	44.50	43.50	43.50	44.50	43.50	43.50	44.50
Maine Manufacturing Co.	White Mountain	1557	40	26.75	26.75	26.75	26.75	27.00	26.75	27.00	27.50	26.75	26.75	27.50	26.75	26.75	27.25
Maine Manufacturing Co.	White Mountain	1558	50	31.25	31.25	31.25	31.25	31.75	31.25	31.25	32.00	31.25	31.25	32.00	31.25	31.25	32.00
Maine Manufacturing Co.	White Mountain	1559	75	37.00	37.00	37.00	37.00	37.75	37.00	38.00	38.50	37.00	37.00	38.50	37.00	37.00	38.00
Maine Manufacturing Co.	White Mountain	2057	40	31.25	31.25	31.25	31.25	31.50	31.25	31.50	32.00	31.25	31.25	32.00	31.25	31.25	31.75
Maine Manufacturing Co.	White Mountain	2058	50	35.75	35.75	35.75	35.75	36.25	35.75	36.50	37.00	35.75	35.75	37.00	35.75	35.75	36.50
Maine Manufacturing Co.	White Mountain	2059	75	39.50	39.50	39.50	39.50	40.25	39.50	40.50	41.00	39.50	39.50	41.00	39.50	39.50	40.75
Maine Manufacturing Co.	White Mountain	2258	50	42.00	42.00	42.00	42.00	42.50	42.00	42.75	43.25	42.00	42.00	43.25	42.00	42.00	43.00
Maine Manufacturing Co.	White Mountain	2259	75	46.25	46.25	46.25	46.25	47.00	46.25	47.25	48.00	46.25	46.25	48.00	46.25	46.25	47.50
Modern Refrigerator Co. (N. Y.)		100	75	42.00	42.00	42.00	42.00	42.50	42.00	42.50	43.00	42.00	42.00	43.00	42.00	42.00	42.75
Modern Refrigerator Works (Cal.)	Modern	D-60	50	46.75	48.25	48.25	48.25	47.75	48.00	47.50	47.75	48.25	48.25	47.50	48.25	47.75	47.50
Modern Refrigerator Works	Modern	D-30	50	34.95	34.95	35.25	35.25	34.95	34.95	34.95	34.95	35.25	35.25	34.95	35.25	34.95	34.95
Modern Refrigerator Works	Modern	D-60	50	46.75	48.00	48.25	48.25	47.75	47.75	47.50	47.50	48.25	48.25	47.50	48.25	47.75	47.50
Modern Refrigerator Works	Modern	M-75	75	56.95	59.25	59.50	59.50	58.75	59.00	58.50	58.75	59.50	59.50	58.50	58.50	58.75	59.50
Progress Refrigerator Co.	Progress	50	50	64.75	64.75	64.75	64.75	65.25	64.75	64.75	66.25	64.75	64.75	66.25	64.75	64.75	65.75
Progress Refrigerator Co.	Progress	75	75	75.00	75.00	75.00	75.00	75.50	75.00	75.00	77.50	75.00	75.00	77.50	75.00	75.00	76.50
Sanitary Refrigerator Co.	Sanitary	MV-2125	75	49.75	49.75	49.75	50.25	49.95	49.75	50.50	51.25	49.95	49.95	51.25	49.75	49.75	50.50
Sanitary Refrigerator Co.	Sanitary	MV-2126	75	57.50	57.50	57.75	58.00	57.75	57.50	58.25	59.00	57.75	57.75	59.00	57.50	57.50	58.25
Seeger Refrigerator Co.		V-75	75	65.50	66.00	66.25	66.50	65.50	65.75	66.50	67.00	66.25	66.25	67.00	65.75	65.50	66.50

SEC. 16 Table C: Ceiling Prices in Each State for All Other Sales of Ice Boxes at Retail. No amount may be added to these ceiling prices for delivery to the buyer.

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ala.	Ariz.	Ark.	Calif.	Colo.	Conn.	Del.	D. C.	Fla.	Ga.	Idaho	Ill.
<i>Lbs.</i>																
Alaska Refrigerator Co.		A-75	50	\$35.95	\$37.00	\$38.00	\$37.25	\$38.00	\$37.75	\$36.25	\$36.25	\$36.50	\$37.00	\$36.75	\$38.00	\$37.00
American Fixture & Mfg. Co.		A-285	75	63.95	65.00	66.25	65.00	66.25	65.50	65.25	65.25	65.25	65.50	65.25	65.25	64.50
Atkins Table & Cabinet Co.		300	75	47.95	49.25	50.75	49.50	50.75	50.25	48.50	48.50	48.50	49.25	49.25	50.75	49.25
Brunswick Refrigerator Co.		308	75	44.95	46.00	47.25	46.25	47.25	47.00	45.50	45.50	45.50	46.25	46.00	47.25	46.00
Coleman Furniture Co.		VC-75	75	84.50	85.75	88.50	87.25	88.50	88.50	86.25	85.50	85.50	86.25	86.00	88.50	86.00
Colson Metal Products Co.		EM-75	75	63.95	65.00	65.50	64.75	65.50	65.00	65.25	65.25	65.00	65.25	65.25	65.25	64.50
Cooler Co., The		V-6	75	69.95	72.25	73.00	72.25	73.00	72.25	72.00	72.00	72.00	73.00	72.50	72.75	71.00
Dean, Geo. H., Inc.	Cooler	D-75	75	69.95	71.50	73.25	72.00	73.25	72.75	70.50	70.75	70.75	71.75	71.50	73.25	71.50
Dratch's Victory Ref. Box	Dean	333	75	46.50	47.50	49.00	48.00	49.00	48.50	47.00	47.00	47.00	47.75	47.50	49.00	47.50
Fy-Boro Metal Prod. Co., Inc.	Sta-Kold	650	75	47.95	49.00	50.50	49.50	50.50	50.00	48.50	48.50	48.50	49.25	49.00	50.50	49.00
Ice Cooling Appliance Corp.	Automatic	V-50	50	46.50	47.25	48.00	47.25	48.00	47.50	47.25	47.25	47.25	47.75	47.50	48.00	47.00
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	63.95	65.25	66.50	65.25	66.50	65.50	65.25	65.25	65.25	65.75	65.25	66.25	64.75
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	46.50	47.25	48.00	47.25	48.00	47.50	47.25	47.25	47.25	47.75	47.50	48.00	47.00
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	63.95	65.25	66.50	65.25	66.50	65.50	65.25	65.25	65.25	65.75	65.25	66.25	64.75
Iceland Refrigerator Co., Inc.		700	75	42.95	44.25	45.50	44.50	45.50	45.00	43.50	43.50	43.50	44.25	44.00	45.50	44.00
King Refrigerator Corp.		A	75	48.95	50.00	51.25	50.25	51.25	50.75	49.25	49.25	49.50	50.00	50.00	51.25	50.00
Maine Manufacturing Co.	White Mountain	1557	40	30.50	31.50	32.50	31.75	32.50	32.25	30.75	31.00	31.00	31.50	31.50	32.50	31.50
Maine Manufacturing Co.	White Mountain	1558	50	35.50	36.75	38.00	37.00	38.00	37.75	36.00	36.25	36.25	36.75	36.75	38.00	36.50
Maine Manufacturing Co.	White Mountain	1559	75	41.95	43.25	44.75	43.75	44.75	44.50	42.50	42.75	42.75	43.50	43.25	44.75	43.25
Maine Manufacturing Co.	White Mountain	2057	40	35.50	36.50	37.75	36.75	37.75	37.50	36.00	36.00	36.00	36.75	36.50	37.75	36.50
Maine Manufacturing Co.	White Mountain	2058	50	40.50	41.75	43.00	42.00	43.00	42.75	41.00	41.25	41.25	41.75	41.75	43.00	41.75
Maine Manufacturing Co.	White Mountain	2059	75	44.95	46.50	48.00	46.75	48.00	47.50	45.50	45.75	45.75	46.50	46.25	48.00	46.25
Maine Manufacturing Co.	White Mountain	2258	50	47.50	48.75	50.25	49.25	50.25	49.75	48.00	48.25	48.25	49.00	48.75	50.25	48.75
Maine Manufacturing Co.	White Mountain	2259	75	52.50	54.00	55.50	54.25	55.50	55.00	53.00	53.25	53.25	54.00	54.00	55.50	53.75
Modern Refrigerator Co. (N. Y.)		100	75	48.50	49.75	51.00	50.00	51.00	50.50	49.00	49.00	49.00	49.75	49.50	51.00	49.50
Modern Refrigerator Works (Cal.)	Modern	D-60	50	49.95	52.50	51.50	52.25	50.75	52.25	53.00	53.00	53.00	53.50	53.25	52.75	52.50
Modern Refrigerator Works	Modern	D-30	50	37.50	38.75	38.25	38.75	37.75	38.75	39.00	39.00	39.00	39.25	39.00	39.00	38.75
Modern Refrigerator Works	Modern	D-50	50	49.95	52.50	51.25	52.25	50.75	52.00	52.75	52.75	52.75	53.25	52.50	52.75	52.25
Modern Refrigerator Works	Modern	M-75	75	61.50	65.00	63.50	64.50	62.50	64.50	65.50	65.50	65.50	66.00	65.00	65.25	64.75
Progress Refrigerator Co.	Progress	50	50	72.95	74.00	76.00	74.25	76.00	75.25	74.25	74.25	74.25	74.50	74.25	76.00	73.75
Progress Refrigerator Co.	Progress	75	75	84.95	86.25	88.75	86.50	88.75	87.75	86.75	86.50	86.50	86.50	86.50	88.75	86.00
Sanitary Refrigerator Co.	Sanitary	MV-2125	75	56.50	58.00	59.50	58.00	59.50	58.50	58.00	58.00	58.00	58.75	58.25	59.50	57.50
Sanitary Refrigerator Co.	Sanitary	MV-2126	75	64.95	66.50	68.00	66.50	68.00	67.00	66.50	66.50	66.50	67.25	66.75	68.00	66.00
Seeger Refrigerator Co.	Sanitary	V-75	75	69.95	72.00	73.00	72.00	73.00	72.00	72.00	72.00	72.00	72.75	72.25	73.75	71.00
MAIL ORDER AND OTHER PRIVATE BRANDS SOLD THROUGH RETAIL STORES																
Montgomery Ward	Ward	K-438	50	40.25	41.50	42.50	41.25	42.50	41.75	41.50	41.50	41.50	41.75	41.50	42.25	40.75
Montgomery Ward	Ward	K-439	75	55.75	57.75	57.75	56.75	57.50	56.75	56.75	56.75	56.75	57.00	56.75	57.50	56.25
Sears Roebuck	Sears	2058	50	37.25	38.50	40.00	38.75	39.75	39.50	37.75	38.00	38.00	38.50	38.50	39.75	38.50
Sears Roebuck	Sears	2059	75	41.25	42.75	44.25	43.00	44.25	43.75	41.75	42.00	42.00	42.75	42.50	44.25	42.50
Sears Roebuck	Sears	2258	50	43.75	45.00	46.50	45.50	46.50	46.00	44.25	44.50	44.50	45.25	45.00	46.50	45.00
Sears Roebuck	Sears	2259	75	47.95	49.50	51.00	50.00	51.00	50.50	48.50	48.75	48.75	49.50	49.25	51.00	49.25
Sears Roebuck	Sears	7500	75	64.50	67.75	67.50	66.50	67.50	66.50	66.50	66.50	66.50	67.50	66.75	67.25	65.50
Western Auto Supply Co.	Royal Icelette	D-30	50	34.95	36.25	35.75	36.25	35.50	36.25	36.50	36.50	36.50	36.50	36.50	36.50	36.25
Western Auto Supply Co.	Royal Icelette	D-50	50	47.50	50.00	49.00	49.75	48.25	49.75	50.25	50.25	50.25	50.75	50.00	50.25	49.75

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
					Lbs.										
Alaska Refrigerator Co.		A-75	50	\$35.95	\$36.75	\$37.00	\$37.25	\$36.75	\$37.50	\$36.50	\$36.50	\$36.50	\$36.75	\$37.25	\$37.00
American Fixture & Mfg. Co.		A-285	75	63.95	64.50	64.75	65.00	64.75	65.25	65.00	65.25	65.25	64.75	65.00	65.00
Atkins Table & Cabinet Co.		300	75	47.95	49.00	49.25	49.75	49.00	49.75	48.75	48.50	48.50	49.00	49.50	49.50
Brunswick Refrigerator Co.		308	75	44.95	45.75	46.25	46.50	46.00	46.50	45.75	45.50	45.50	45.75	46.25	46.25
Coleman Furniture Co.		VC-75	75	84.95	85.75	87.00	87.75	85.50	87.75	86.50	85.50	86.25	86.50	87.50	86.25
Colson Metal Products Co.		EM-75	75	63.95	64.75	64.25	64.50	64.75	65.00	65.25	65.00	65.25	64.75	64.75	65.00
Cooler Co., The	Coolerator	V-6	75	69.95	71.50	71.00	72.00	71.75	72.75	72.25	72.00	72.00	71.00	70.75	72.25
Dean, Geo. H., Inc.	Dean	D-75	75	69.95	71.25	71.75	72.25	71.50	72.25	70.75	70.75	70.75	71.25	72.00	71.75
Dratch's Victory Ref. Box		333	75	46.50	47.50	47.75	48.00	47.50	48.00	47.25	47.00	47.00	47.25	47.75	47.75
Fy-Boro Metal Prod. Co., Inc.	Sta-Kold	650	75	49.95	48.75	49.25	49.50	49.00	49.50	48.75	48.50	48.50	49.25	49.25	49.25
Ice Cooling Appliance Corp.	Automatic	V-50	50	46.50	47.00	47.00	47.25	47.00	47.50	47.50	47.25	47.50	47.00	47.00	47.25
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	63.95	64.75	64.50	65.00	64.75	65.50	65.00	65.25	65.25	64.75	64.75	65.25
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	46.50	47.00	47.00	47.25	47.00	47.50	47.50	47.25	47.50	47.00	47.00	47.25
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	63.95	64.75	64.50	65.00	64.75	65.50	65.00	65.25	65.25	64.75	64.75	65.25
Iceland Refrigerator Co., Inc.		700	75	42.95	44.00	44.25	44.50	44.00	46.75	43.75	43.50	43.50	43.75	44.50	44.25
King Refrigerator Corp.		A	75	48.95	49.75	50.00	50.50	49.75	50.50	49.50	49.50	49.50	49.75	50.25	50.25
Maine Manufacturing Co.	White Mountain	1557	40	30.50	31.25	31.50	32.00	31.50	32.00	31.00	31.00	30.75	31.25	31.75	31.75
Maine Manufacturing Co.	White Mountain	1558	50	35.50	36.50	36.75	37.25	36.50	37.25	36.00	36.25	35.75	36.50	37.00	37.00
Maine Manufacturing Co.	White Mountain	1559	75	41.95	43.00	43.50	44.00	43.25	44.00	42.50	42.75	42.25	43.00	43.75	43.50
Maine Manufacturing Co.	White Mountain	2057	40	35.50	36.25	36.75	37.00	36.50	37.00	36.00	36.00	35.75	36.25	36.75	36.75
Maine Manufacturing Co.	White Mountain	2058	50	40.50	41.50	41.75	42.25	41.75	42.25	41.00	41.25	40.75	41.50	42.00	42.00
Maine Manufacturing Co.	White Mountain	2059	75	44.95	46.00	46.50	47.00	46.25	47.00	45.50	45.75	45.25	46.00	46.75	46.50
Maine Manufacturing Co.	White Mountain	2258	50	47.50	48.50	49.00	49.25	48.75	49.50	48.00	48.25	47.75	48.50	49.00	49.00
Maine Manufacturing Co.	White Mountain	2259	75	52.50	53.75	54.00	54.50	53.75	54.75	53.00	53.25	52.75	53.75	54.25	54.25
Modern Refrigerator Co. (N. Y.)		100	75	48.50	49.50	49.75	50.25	49.50	50.25	49.25	49.00	49.00	49.50	50.00	49.75
Modern Refrigerator Works (Cal.)	Modern	D-60	50	49.95	52.50	52.25	52.25	52.50	53.00	53.00	53.00	53.00	53.50	52.50	52.50
Modern Refrigerator Works	Modern	D-30	50	37.50	38.75	38.75	38.75	38.75	39.00	39.00	39.00	39.00	39.25	38.75	38.75
Modern Refrigerator Works	Modern	D-50	50	49.95	52.50	52.25	52.00	51.50	52.25	52.00	52.75	52.75	52.25	52.50	52.50
Modern Refrigerator Works	Modern	M-75	75	61.50	65.00	64.50	64.50	65.00	64.50	65.50	65.00	65.50	63.75	64.00	64.00
Progress Refrigerator Co.	Progress	50	50	72.95	73.50	74.25	74.50	73.50	74.50	74.50	74.25	74.00	74.50	74.50	74.50
Progress Refrigerator Co.	Progress	75	75	84.95	85.50	86.50	87.00	85.50	87.00	87.00	86.50	86.75	86.25	87.00	86.50
Sanitary Refrigerator Co.	Sanitary	MV-2125	75	56.50	57.50	57.50	58.00	57.50	58.50	58.25	58.00	58.00	57.25	57.50	58.25
Sanitary Refrigerator Co.	Sanitary	MV-2126	75	64.95	65.75	66.00	66.50	66.00	67.00	66.75	66.50	66.50	65.75	66.00	66.50
Seeger Refrigerator Co.		V-75	75	69.95	71.25	70.75	71.75	71.50	72.50	72.25	72.00	72.00	71.00	70.75	72.25

Table C—Continued

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Ind.	Iowa	Kans.	Ky.	La.	Maine	Md.	Mass.	Mich.	Minn.	Miss.
MAIL ORDER AND OTHER PRIVATE BRANDS SOLD THROUGH RETAIL STORES															
Montgomery Ward	Ward	K-438	Lbs.												
Montgomery Ward	Ward	K-439	50	\$40.25	\$40.75	\$40.75	\$41.25	\$41.00	\$41.75	\$41.75	\$41.50	\$41.50	\$40.00	\$41.00	\$41.50
Sears Roebuck	Sears	2058	75	55.75	56.25	56.25	56.50	56.50	57.00	57.00	56.75	56.75	56.25	56.50	56.75
Sears Roebuck	Sears	2059	75	37.25	38.25	38.50	39.00	38.50	39.00	37.75	39.00	37.50	38.25	38.75	38.75
Sears Roebuck	Sears	2258	50	43.75	44.75	45.25	45.50	45.00	45.75	44.25	44.50	44.00	44.75	45.25	45.25
Sears Roebuck	Sears	2259	75	47.95	49.25	49.50	50.00	49.25	50.00	48.75	49.00	48.50	49.25	49.75	49.75
Sears Roebuck	Sears	7500	75	64.50	66.00	65.25	66.25	66.00	67.00	66.75	66.50	66.50	65.50	65.25	66.50
Western Auto Supply Co.	Royal Icelette	D-30	50	34.95	36.25	36.25	36.25	36.25	36.25	36.50	36.50	36.50	36.25	36.25	36.25
Western Auto Supply Co.	Royal Icelette	D-50	50	47.50	50.00	50.00	49.75	50.00	49.75	50.25	50.25	50.25	50.00	50.00	50.00
Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Mo.	Mont.	Neb.	Nev.	N. H.	N. J.	N. Mex.	N. Y.	N. C.	N. Dak.	Ohio
Alaska Refrigerator Co.	A-75	Lbs.													
American Fixture & Mfg. Co.	A-285	50	\$35.95	\$37.00	\$38.00	\$37.25	\$38.00	\$36.50	\$36.25	\$38.00	\$36.50	\$36.75	\$37.50	\$36.75	\$37.50
Atkins Table & Cabinet Co.	300	75	63.95	64.50	65.00	65.00	66.25	65.25	65.25	66.25	65.25	65.25	65.25	64.75	65.00
Brunswick Ref. Co.	308	75	47.95	49.25	50.75	49.75	50.75	48.75	48.25	50.75	48.50	48.75	50.00	48.75	49.75
Coleman Furniture Co.	VC-75	75	44.95	46.00	47.25	46.50	47.25	45.50	46.25	47.25	45.50	45.75	46.75	45.75	46.50
Colson Metal Products Co.	EM-75	75	63.95	64.25	65.50	64.50	65.50	65.25	65.00	65.50	65.00	65.25	65.00	64.75	65.00
Coolerator Co., The	Dean	75	69.95	71.25	72.50	71.50	72.50	72.25	72.00	73.25	71.75	72.25	71.50	71.50	72.25
Dean, Geo. H., Inc.	D-75	75	46.50	47.75	49.00	48.00	49.00	47.00	46.75	49.00	47.00	47.25	47.50	47.00	47.50
Dratch's Victory Ref. Box	333	75	48.95	50.00	51.25	50.80	51.25	49.50	49.25	51.25	49.50	49.75	50.50	49.75	50.50
Fy-Boro Metal Prod. Co. Inc.	Sta-Kold	75	46.50	47.00	48.00	47.25	48.00	47.50	47.25	48.00	47.25	47.25	47.50	47.00	47.50
Ice Cooling Appliance Corp.	Automatic	75	63.95	64.75	66.25	65.00	66.50	65.25	65.25	66.50	65.25	65.25	65.25	64.50	65.25
Ice Cooling Appliance Corp.	V-75-D	75	46.50	47.00	48.00	47.25	48.00	47.50	47.25	48.00	47.25	47.25	47.50	47.00	47.50
Ice Cooling Appliance Corp.	Vitalaire	75	63.95	64.75	66.25	65.00	66.50	65.25	65.25	66.50	65.25	65.25	65.25	64.50	65.25
Ice Cooling Appliance Corp.	V-41	75	42.95	44.25	45.50	44.50	45.50	43.50	43.25	45.50	43.75	44.75	43.75	44.75	45.50
Iceland Ref. Co., Inc.	700	75	48.95	50.00	51.25	50.80	51.25	49.50	49.25	51.25	49.50	49.75	50.50	49.75	50.50
King Refrigerator Corp.	A	40	30.50	31.50	32.50	31.75	32.50	30.75	30.00	32.50	31.00	31.25	32.00	31.25	32.00
Maine Manufacturing Co.	White Mountain	1557	50	35.50	36.75	38.00	37.25	38.00	35.75	36.00	38.00	36.25	37.50	36.50	37.25
Maine Manufacturing Co.	White Mountain	1558	75	41.95	43.25	44.75	43.75	44.75	42.25	42.75	44.75	42.50	43.00	44.00	44.00
Maine Manufacturing Co.	White Mountain	2057	40	35.50	36.50	37.75	37.00	37.75	35.75	36.00	37.75	36.00	36.25	37.25	37.00
Maine Manufacturing Co.	White Mountain	2058	50	40.50	41.75	43.00	42.25	43.00	40.75	41.25	43.00	41.00	41.25	42.50	42.25
Maine Manufacturing Co.	White Mountain	2059	75	44.95	46.50	48.00	46.75	48.00	45.25	45.75	48.00	45.50	46.00	47.25	46.00
Maine Manufacturing Co.	White Mountain	2258	50	47.50	48.75	50.25	49.25	50.25	47.75	48.25	50.25	48.50	49.00	48.50	49.25
Maine Manufacturing Co.	White Mountain	2259	75	52.50	54.00	55.50	54.50	55.50	52.75	53.25	55.25	53.50	54.75	53.50	54.50
Modern Ref. Co. (N. Y.)	100	75	48.50	49.75	51.00	50.00	51.00	49.00	48.75	51.00	49.00	49.25	50.25	49.25	50.25
Modern Ref. Works (Cal.)	D-60	50	49.95	52.25	53.00	52.25	52.25	53.00	53.00	52.00	53.00	52.25	52.50	52.25	52.25
Modern Ref. Works	D-30	50	37.50	38.75	39.00	38.75	38.75	39.00	39.00	38.50	39.00	39.00	38.75	38.75	38.75
Modern Ref. Works	D-50	50	49.95	52.25	53.00	52.00	52.25	52.75	52.75	52.75	52.75	52.75	52.25	52.00	52.25
Modern Ref. Works	Modern	75	61.50	64.50	65.50	64.50	64.50	65.50	65.50	64.25	65.50	65.50	64.50	65.00	64.50
Progress Ref. Co.	Progress	50	72.95	74.00	76.00	74.50	76.00	74.50	74.25	76.00	74.25	74.00	75.00	73.75	74.50
Progress Ref. Co.	Progress	75	84.95	86.25	88.75	87.00	88.75	86.75	86.50	88.75	86.50	87.75	86.00	87.00	88.75
Sanitary Ref. Co.	Sanitary	75	56.50	57.50	59.00	57.75	59.00	58.00	58.00	59.50	57.75	58.00	58.00	57.50	58.25
Sanitary Ref. Co.	Sanitary	75	64.95	66.00	67.50	66.25	68.00	66.50	66.50	68.00	66.25	66.50	66.50	66.00	66.75
Seeger Ref. Co.	V-75	75	69.95	71.00	72.75	71.25	73.00	72.00	72.00	73.00	71.75	72.25	71.50	71.50	72.00
MAIL ORDER AND OTHER PRIVATE BRANDS SOLD THROUGH RETAIL STORES															
Montgomery Ward	Ward	K-438	50	40.25	41.00	42.25	41.25	42.50	41.50	42.50	41.25	41.50	41.50	41.00	41.50
Montgomery Ward	Ward	K-439	75	55.75	56.25	57.50	56.50	57.50	56.75	57.50	56.75	56.75	56.25	56.50	57.50
Sears Roebuck	Sears	2058	50	37.25	38.50	39.75	39.75	39.75	38.00	39.75	37.75	38.00	39.25	38.25	39.00
Sears Roebuck	Sears	2059	75	41.25	42.75	44.25	44.25	41.50	42.00	44.25	42.00	42.25	43.50	42.25	44.25
Sears Roebuck	Sears	2258	50	43.75	45.00	46.50	46.50	44.00	44.50	46.50	44.25	44.75	45.75	44.75	45.00
Sears Roebuck	Sears	2259	75	47.95	49.50	51.00	51.00	48.25	48.75	51.00	48.75	49.00	50.25	49.00	50.00
Sears Roebuck	Sears	7500	75	64.50	65.50	67.25	66.00	67.50	66.50	67.50	66.25	66.75	66.00	65.50	67.00
Western Auto Supply Co.	Royal Icelette	D-30	50	34.95	36.25	36.50	36.25	36.25	36.50	36.50	36.50	36.50	36.25	36.25	36.25
Western Auto Supply Co.	Royal Icelette	D-50	50	47.50	49.75	50.50	49.75	49.75	50.25	49.50	50.25	50.25	49.75	50.00	49.75

Table C—Continued

Manufacturer	Brand	Model	Rated ice capacity	Retail base price	Pa.	R. I.	S. C.	S. Dak.	Tenn.	Tex.	Utah	Vt.	Va.	Wash.	W. Va.	Wis.	Wyo.
Alaska Refrigerator Co.		A-75	50	\$35.95	\$36.50	\$36.50	\$36.75	\$37.50	\$37.50	\$37.50	\$38.00	\$36.50	\$36.50	\$38.00	\$36.50	\$37.00	\$37.75
American Fixture & Mfg. Co.		A-285	75	63.95	65.00	65.25	65.25	65.25	64.75	65.50	66.25	65.25	65.25	66.25	65.00	64.75	65.75
Atkins Table & Cabinet Co.		300	75	47.95	48.50	48.50	49.00	50.00	49.25	50.00	50.75	48.50	48.75	50.75	48.75	49.25	50.25
Brunswick Ref. Co.		308	75	44.95	45.50	45.50	45.75	46.75	46.00	46.75	47.25	45.50	45.50	47.25	45.50	46.00	47.00
Coleman Furniture Co.		VC-75	75	84.50	85.75	86.25	85.75	88.00	85.75	88.25	88.50	86.25	85.25	88.50	85.50	88.50	88.50
Colson Metal Products Co.		EM-75	75	63.95	65.00	65.25	65.25	65.00	64.75	65.00	65.25	65.25	65.00	65.50	65.00	64.50	65.00
Cooler Corp., The	Cooler	V-6	75	69.95	71.75	72.00	72.50	71.50	71.75	72.50	72.75	72.00	72.00	72.75	71.75	70.75	72.25
Dean, Geo. H., Inc.	Dean	D-75	75	69.95	71.00	70.25	71.25	72.50	71.50	72.50	73.25	70.75	71.00	73.25	71.00	71.50	72.75
Dratch's Victory Ref. Box		333	75	46.50	47.00	47.00	47.50	48.25	47.50	48.25	49.00	47.00	47.00	49.00	47.25	47.50	48.50
Fy-Boro Metal Prod. Co., Inc.	Sta-Kold	650	75	47.95	48.50	48.50	48.75	49.75	49.00	49.75	50.50	48.50	48.50	50.50	48.75	49.00	50.00
Ice Cooling Appliance Corp.	Automatic	V-60	50	46.50	47.25	47.50	47.50	47.25	47.00	47.50	48.00	47.50	47.25	48.00	47.25	46.75	47.50
Ice Cooling Appliance Corp.	Automatic	V-75-D	75	63.95	65.00	65.25	65.50	65.25	65.00	65.75	66.25	65.25	65.25	66.50	65.00	64.50	65.50
Ice Cooling Appliance Corp.	Vitalaire	V-3	50	46.50	47.25	47.50	47.50	47.25	47.00	47.50	48.00	47.50	47.25	48.00	47.25	46.75	47.50
Ice Cooling Appliance Corp.	Vitalaire	V-41	75	63.95	65.00	65.25	65.50	65.25	65.00	65.75	66.25	65.25	65.25	66.50	65.00	64.50	65.50
Iceland Ref. Co., Inc.		700	75	42.95	43.50	43.50	44.00	44.75	44.00	45.00	45.50	43.50	43.50	45.50	43.75	44.00	45.00
King Refrigerator Corp.	A		75	48.95	49.50	49.50	49.75	50.50	50.00	50.75	51.25	49.50	49.50	51.25	49.50	50.00	51.00
Maine Manufacturing Co.	White Mountain	1557	40	30.50	31.00	31.00	31.25	32.00	31.50	32.25	32.50	31.00	31.00	32.50	31.25	31.50	32.25
Maine Manufacturing Co.	White Mountain	1558	60	35.50	36.25	36.00	36.50	37.25	36.75	37.50	38.00	36.25	36.25	38.00	36.25	36.50	37.75
Maine Manufacturing Co.	White Mountain	1559	75	41.95	42.75	42.50	43.00	44.00	43.25	44.25	44.75	42.50	42.75	44.75	43.00	43.25	44.50
Maine Manufacturing Co.	White Mountain	2057	40	35.50	36.25	36.00	36.50	37.00	36.50	37.25	37.75	36.00	36.25	37.75	36.25	36.50	37.50
Maine Manufacturing Co.	White Mountain	2058	50	40.50	41.25	41.00	41.50	42.50	41.75	42.50	43.00	41.00	41.25	43.00	41.50	41.50	42.75
Maine Manufacturing Co.	White Mountain	2059	75	44.95	45.75	45.50	46.25	47.00	46.50	47.25	48.00	45.50	46.00	48.00	46.00	46.25	47.50
Maine Manufacturing Co.	White Mountain	2258	50	47.50	48.25	48.00	48.50	49.50	48.75	49.75	50.25	48.00	48.25	50.25	48.50	48.75	49.75
Maine Manufacturing Co.	White Mountain	2259	75	52.50	53.50	53.00	53.75	54.75	54.00	55.00	55.50	53.00	53.50	55.50	53.50	53.75	55.00
Modern Ref. Co. (N. Y.)		100	75	48.95	49.50	49.50	49.75	50.25	49.75	50.50	51.00	49.00	49.00	51.00	49.25	49.50	50.50
Modern Ref. Works (Cal.)	Modern	D-60	50	49.95	52.75	53.00	53.00	52.50	52.50	52.25	52.25	53.00	53.00	52.00	53.00	52.50	52.25
Modern Ref. Works	Modern	D-30	50	37.50	39.00	39.00	39.00	38.75	38.75	38.75	39.00	39.00	39.00	38.50	39.00	38.75	38.75
Modern Ref. Works	Modern	D-50	50	49.95	52.75	53.00	53.00	52.25	52.50	52.00	52.25	52.75	52.75	52.00	52.75	52.25	52.00
Modern Ref. Works	Modern	M-75	75	61.50	65.25	65.50	65.50	64.75	65.00	64.50	64.50	65.50	65.50	64.25	65.00	64.75	64.50
Progress Ref. Co.	Progress	50	50	72.95	74.00	74.25	74.25	74.75	73.75	74.00	76.00	74.25	74.25	76.00	74.00	74.00	75.25
Progress Ref. Co.	Progress	75	75	84.95	86.25	86.75	86.75	87.25	86.00	87.50	88.75	86.75	86.75	88.75	86.25	86.25	88.00
Sanitary Ref. Co.	Sanitary	MV-2125	75	56.50	57.75	58.00	58.25	58.00	57.75	58.75	59.25	58.00	58.00	59.50	57.75	57.00	58.50
Sanitary Ref. Co.	Sanitary	MV-2126	75	64.95	66.25	66.50	66.75	66.50	66.25	67.00	67.75	66.50	66.50	68.00	66.25	65.50	67.00
Seeger Ref. Co.		V-75	75	69.95	71.75	72.00	72.25	71.25	71.75	72.25	72.50	72.00	72.00	72.50	71.75	70.75	72.00
MAIL ORDER AND OTHER PRIVATE BRANDS SOLD THROUGH RETAIL STORES																	
Montgomery Ward	Ward	K-438	50	40.25	41.25	41.50	41.50	41.25	41.00	41.75	42.25	41.50	41.50	42.50	41.25	40.75	41.75
Montgomery Ward	Ward	K-439	75	55.75	56.50	56.75	56.75	56.75	56.50	57.00	57.50	56.75	56.75	57.50	56.50	56.25	57.00
Sears Roebuck	Sears	2058	50	37.25	38.00	37.75	38.25	39.25	38.50	39.25	39.75	37.75	38.00	39.75	38.25	38.50	39.50
Sears Roebuck	Sears	2059	75	41.25	42.00	41.75	42.50	43.50	42.75	43.50	44.25	41.75	42.25	44.25	42.25	42.50	43.75
Sears Roebuck	Sears	2258	50	43.75	44.50	44.25	44.75	45.75	45.00	46.00	46.50	44.25	44.50	46.50	44.75	45.00	46.00
Sears Roebuck	Sears	2259	75	47.95	48.75	48.50	49.25	50.25	49.50	50.50	51.00	48.50	49.00	51.00	49.00	49.25	50.50
Sears Roebuck	Sears	7500	75	64.50	66.25	66.50	67.00	66.00	66.25	66.75	67.00	66.50	66.50	67.00	66.25	65.25	66.50
Western Auto Supply Co.	Royal Icelette	D-30	50	34.95	36.50	36.50	36.50	36.25	36.25	36.25	36.25	36.50	36.50	36.00	36.50	36.25	36.25
Western Auto Supply Co.	Royal Icelette	D-50	50	47.50	50.25	50.25	50.25	49.75	50.00	48.75	49.75	50.25	50.25	49.25	50.25	49.75	49.75

The regulation shall become effective June 8, 1943.

NOTE: All reporting and record-keeping requirements of this Regulation have been approved by the Bureau of the Budget, in accordance with the Federal Reports Act of 1942.

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8993; Filed, June 2, 1943;
5:22 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5, Amdt. 25]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. The title of section 3.6 is amended by striking the word "opening" therefrom.

2. Sections 3.6 (c) and (d) are added to read as follows:

* 8 F.R. 2195, 2348, 2598, 2666, 2667, 3178, 3216, 3255, 3616, 3851, 4131, 4325, 4784, 4785, 4839, 5341, 5265, 5476, 5476, 5485.

(c) As part of his application for his allotment of foods covered by Ration Order No. 16 for the third allotment period, an institutional user must report in pounds his inventory of "canned milk" at the close of business on June 1, 1943 in accordance with the rules stated in paragraphs (a) to (e) of section 3.2 with respect to processed foods. However, for the purpose of this paragraph, all references to Ration Order No. 13 shall be read as Ration Order No. 16. Such inventory shall be treated as excess inventory.

(d) The point value of an institutional user's inventory of canned milk at the close of business on June 1, 1943 is computed by multiplying the total weight in pounds by one (1) point per pound.

3. Section 4.2 (b) is amended by striking the words "or foods covered by Ration Order No. 16" wherever they appear in the paragraph.

4. Section 7.1 (a) (1) is amended by inserting the phrase "canned milk shall be excluded from and" between the words "the base," and the words "all cheeses except".

5. Section 22.1 is amended by inserting in the definition of "Foods covered by Ration Order 16" the words "canned

*Copies may be obtained from the Office of Price Administration.

milk" between the word "means" and the word "meat."

This amendment shall become effective June 2, 1943.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 562, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, 3471, respectively)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8997; Filed, June 2, 1943;
5:24 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 12]

WAR RATION BOOK NO. 3

§ 1305.68 The issuance and use of War Ration Book No. 3. Pursuant to the authority vested in the Office of Price Administration and the Administrator by Executive Orders 9125 and 9280, War Production Board Directive 1 and Supple-

mentary Directives, and Food Directives 3, 5, 6 and 7 issued by the Secretary of Agriculture, General Ration Order 12 (War Ration Book No. 3) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1305.68 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Sec. of Agr. Food. Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471.

GENERAL RATION ORDER 12—WAR RATION BOOK NO. 3

CONTENTS

Sec.

- 1 War Ration Book No. 3.
- 2 Who may get War Ration Book No. 3.
- 3 How to apply for War Ration Book No. 3.
- 4 Applications after June 10, 1943.
- 5 Issuance of War Ration Book No. 3.
- 6 War Ration Book No. 3 for law enforcement or investigatory government agencies.
- 7 War Ration Book No. 3 for imported alien laborers.
- 8 Surrender of War Ration Book No. 3.
- 9 How to replace a mutilated or missing book.
- 10 Appeal.

SECTION 1 War Ration Book No. 3. War Ration Book No. 3 (OPA Form No. R-130) may be used to get rationed commodities designated by the Office of Price Administration. A War Ration Book No. 3, even after it has been issued to any person, still remains the property of the United States, and may be used by such person only in a way permitted by the Office of Price Administration.

Sec. 2 Who may get War Ration Book No. 3. (a) Every person residing in the United States for a period of 60 days or more may get a War Ration Book No. 3 except the following:

(1) Persons confined in a prison, asylum, or similar institution of involuntary confinement, whether public or private; and

(2) Members of the armed services of the United States or of an allied nation.

(b) No person shall apply for, or have, more than one War Ration Book No. 3 for his own use.

Sec. 3 How to apply for War Ration Book No. 3—(a) Family application. Only one application (OPA Form No. R-129) may be made for each family unit (a group of persons who are related by blood, marriage or adoption and who regularly live at the same address). A person who is temporarily away from home, for a period of sixty days or less, such as a student, traveler or hospital patient must be included in the family unit application. The application must be signed by an adult member of the family unit, or if there is no adult member, by the oldest member of the family unit or by a responsible adult.

(b) **Separate application.** Persons living at the same address who are not related by blood, marriage or adoption must file separate applications.

(c) **Application to be filled out and postage affixed.** The applicant must fill in the information and affix the postage called for in the application.

(d) **Application must be mailed.** The application must be mailed on or before

June 10, 1943 to the address stated thereon.

(e) **Signature deemed certification.** The signature on the application shall be deemed to be a certification to the Office of Price Administration that the applicant has authority to sign for the persons named in the application and that all statements made in it are true.

SEC. 4 Application after June 10, 1943.

(a) No application for War Ration Book No. 3 may be made between June 11, 1943 and July 31, 1943 inclusive.

(b) On and after August 1, 1943, application may be made on OPA Form No. R-129 by, or on behalf of, any person who is eligible for but who has not received a War Ration Book No. 3, whether or not an application for a book was previously made for him. If an application for a book was previously made and the book was not received, the applicant shall present to the Board the stub from the application originally made for him. The applicant, or his agent, must present the application in person at the War Price and Rationing Board for the place where the applicant lives. Only one application may be made for all members of a family unit who are eligible for but who have not received a War Ration Book No. 3 but only one member of the family unit need apply in person at the Board, and if there is no adult member, the oldest member of the family unit or a responsible adult may appear. The applicant must fill out all the information called for by the form and in addition he must give any other information which the Board may request.

(c) If the Board finds that a person named in the application is eligible for but has not received a War Ration Book No. 3, it shall issue a book for him. If a War Ration Book No. 3 is issued after one or more ration periods has ended, all the stamps which were valid during those periods must be removed before the book is issued.

Sec. 5 Issuance of War Ration Book No. 3. (a) The person issuing a War Ration Book No. 3 shall write on the front cover of the book the name of the person for whom it is issued. In addition, a validation stamp shall be placed on the front cover of the book over the space marked "Not Valid Without Stamp".

(b) The person in whose name the book is issued (or his agent) must fill in all the information called for on the front cover of the book except the part entitled "Local Board Action".

(c) No War Ration Book No. 3 shall be valid until the requirements of paragraphs (a) and (b) of this section have been met.

Sec. 6 War Ration Book No. 3 for law enforcement or investigatory government agencies. (a) On and after August 1, 1943, War Ration Book No. 3 may be issued by the Office of Price Administration, on such terms and conditions as it may deem proper, to any law enforcement or investigatory agency of the United States, or of any state or local government, for the use of such agencies, and for distribution to and use by their officers, agent or employees in the performance of official duties.

(b) Any such government agency may apply in writing (on its official stationery or letterhead) to the district office for the place where its principal business office is located. The application shall state the number of books which it needs and the purpose for which the books will be used.

(c) The district office will issue the number of books which it finds will be needed by the government agency. Such books will be issued in blank.

Sec. 7 War Ration Book No. 3 for imported alien laborers. Any Federal government agency which brings aliens into the United States for the sole purpose of performing agricultural or other labor, may issue a War Ration Book No. 3 to each such alien who needs it to get rationed commodities. In addition, such agency may, in a proper case, issue a War Ration Book No. 3 as a replacement to any such alien whose book has been lost, stolen, destroyed or mutilated or is being wrongfully withheld. When the alien ceases to perform the work for which he was brought into the United States, his War Ration Book No. 3 must be returned by the person who has it to the agency which issued it.

Sec. 8 Surrender of War Ration Book No. 3. (a) Within ten days after the death of a person in whose name a War Ration Book No. 3 has been issued, the person who has it shall turn it over to any War Price and Rationing Board.

(b) When a person in whose name a War Ration Book No. 3 has been issued is confined in an institution of involuntary confinement, whether public or private, for a period to exceed ten days, he shall turn his book over to an official of the institution. The book shall be returned to him when he leaves the institution.

(c) A person shall turn his War Ration Book No. 3 over to any War Price and Rationing Board when:

- (1) He leaves the United States for a period of more than thirty days; or
- (2) He becomes a member of the armed services of the United States.

(d) Any person who has surrendered his War Ration Book No. 3 to a Board, pursuant to paragraph (c) of this section, may apply in accordance with the provisions of Section 4 for War Ration Book No. 3 when he returns to the United States or is discharged from the armed services. If the Board finds that the applicant surrendered his book pursuant to paragraph (c) of this section and that he has returned to the United States or is discharged from the armed services, it shall issue a book to him in accordance with the provisions of Section 4.

(e) This section shall not apply to persons covered by Section 7 of this order.

Sec. 9 How to replace a mutilated or missing book. A person whose War Ration Book No. 3 has been lost, stolen, destroyed or mutilated or is being wrongfully withheld may apply for a replacement as provided by Procedural Regulation 12. However, this section does not apply to persons covered by Section 7 of this order.

Sec. 10 Appeal. Any person directly affected by an adverse decision of a War

Price and Rationing Board may appeal therefrom in accordance with the provisions of Procedural Regulation No. 9.

Effective Date

This General Ration Order 12 shall become effective on June 2, 1943.

NOTE: All reporting and record-keeping requirements of this General Ration Order, have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Dir. 1, 7 F.R. 562; Sec. of Agr. Food Dir. 3, 8 F.R. 2005, Food Dir. 5, 8 F.R. 2251, Food Dir. 6, 8 F.R. 3471, Food Dir. 7, 8 F.R. 3471)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8983; Filed, June 2, 1943;
4:41 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C, Amdt. 53]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respect:

1. Section 1394.8169 (d) is added to read as follows:

(d) Notwithstanding any other provision of this section, a district director may, upon authorization by the Deputy Administrator in Charge of Rationing, require stations or facilities of any dealers or distributors within his jurisdiction to make transfers of gasoline to consumers in such order of priority and under such limitations and conditions as the district director may find necessary to insure that adequate supplies of gasoline will be available for services and requirements essential to the public welfare or the war effort.

This amendment shall become effective June 2, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; W.P.B. Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8991; Filed, June 2, 1943;
5:22 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3096, 3261, 3253, 3255, 3254, 3315, 5616, 4189, 4341, 4850, 4976, 5267, 5268, 5488, 5564, 5756, 6261, 6179, 6441, 6846, 6687.

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Gasoline Rationing Emergency Order 3]

VIRGIN ISLANDS

By virtue of the authority vested in the Director of the Office of Price Administration for the Territory of the Virgin Islands by Revised General Order No. 21 issued August 28, 1942, by the Administrator of the Office of Price Administration (7 F.R. 6911), the following order is prescribed:

§ 1394.6503 *Gasoline rationing during the emergency.* (a) The operation of Ration Order No. 8, Gasoline Rationing Regulations for the Virgin Islands, is hereby suspended in the municipality of St. Croix.

(b) *General restriction on the use of gasoline.* From and after the effective date of this Gasoline Rationing Emergency Order No. 3, no dealer or other person in the municipality of St. Croix, Virgin Islands of the United States, shall sell, give, export, exchange, deliver or otherwise transfer gasoline in exchange for coupons or otherwise, or accept or receive any such sale, gift, exchange, delivery or transfer of gasoline except as provided in paragraph (c) hereof: *Provided*, That the foregoing prohibition shall not apply to importations of gasoline into the municipality of St. Croix: *And provided further*, That the same shall not apply to any transfer to or for the account of the Army, Navy, Marine Corps, Coast Guard or Maritime Commission of the United States.

(c) *Permitted transfers.* The use of gasoline ration coupons is temporarily suspended in the municipality of St. Croix. Transfers of gasoline may be made only upon written authorization of the Director or Assistant Director of the Office of Price Administration to provide for the maintenance of such public, governmental or other necessary services as, in his discretion are essential to the public health, safety or the war effort.

(d) *Inventory.* Every gasoline dealer in the municipality of St. Croix shall file forthwith with the Office of Price Administration a sworn statement showing his gasoline inventory on the effective date of this order.

(e) *Violations.* Any person who violates this Gasoline Rationing Emergency Order No. 3 may be prohibited by the Director of the Office of Price Administration for the Virgin Islands from receiving any deliveries of or selling or otherwise disposing of gasoline, for such period as, in the discretion of the Director is necessary to permit the efficient rationing of gasoline in the Virgin Islands.

(f) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Director in St. Thomas, or the Assistant Director in St. Croix, of the Office of Price Administration, orally or in writing, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director or the Assistant Director may thereupon take such action as he deems appropriate.

(g) *Scope.* The provisions of this Gasoline Rationing Emergency Order No. 3 shall apply to the municipality of St. Croix, Virgin Islands of the United States, only.

(h) *Effective date.* This order shall become effective at one (1) o'clock post meridian, May 15, 1943, and shall continue in full force and effect until rescinded.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421 and 507, 77th Cong., W.P.B. Dir. 1, Supp. Dir. 1-J (as amended) O.P.A. Administrative Order No. 19 (as amended); 7 F.R. 562)

Issued this 15th day of May 1943.

JACOB A. ROBLES,
Territorial Director,
Virgin Islands.

[F. R. Doc. 43-8984; Filed, June 2, 1943;
4:41 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16, Amdt. 34]

MEATS, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. The first sentence of section 1.1 (a) is amended to read as follows:

This order covers "meat", "canned fish", "rationed cheeses", "rationed fats or oils", and "canned milk".

2. Section 1.1 (a) (5) is added to read as follows:

(5) "Canned milk" includes evaporated milk and condensed milk, if packed in hermetically sealed containers.

3. Section 1.1 (c) is amended by inserting between the words "canned fish" and the words "is packed" the words "or 'canned milk'".

4. Section 1.2 is amended by changing the head-note to read as follows:

SEC. 1.2 *Meat, cheese, canned fish, fats and oils and canned milk are rationed by the point system.*

5. The first sentence of section 1.2 (a) is amended to read as follows:

All types of meat, rationed cheeses, canned fish, rationed fats and oils and canned milk are rationed together, as a group, through the use of the point system of rationing.

6. Section 4.3 (d) is added to read as follows:

(d) *Packing milk.* Any place at which a person produces "canned milk", for sale or other transfer, is a primary distributor establishment. A person produces canned milk if he packs it in hermetically sealed containers.

7. Section 4.11 (b) is amended by inserting, between the second and third sentences, the following sentence:

¹ 8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6048, 6139.

However, the first report of a primary distributor of an item which is added, after March 29, 1943, to the foods covered by this order, must include his operations with respect to that item from the date it is added, to the end of his reporting period.

8. Section 4.16 (a) is amended by adding the following sentence:

He must also keep a similar record with respect to any item which is added to the foods covered by this order, beginning on the date the item is added.

9. Section 5.2 (g) is added to read as follows:

(g) *Persons who are wholesalers because an item is added to the foods covered by this order.* A person who, at the time an item is added to the foods covered by this order, regularly deals in that item and therefore becomes a wholesaler under this order, is not required to register. If he has more than one wholesale establishment, each of those establishments is to be treated as if it was separately registered.

10. Section 5.8 (b) is amended by inserting, between the second and third sentences, the following sentence:

In addition, at the time any item is added to or removed from the foods covered by this order, every wholesaler must keep a record of the amount, in pounds and point value, of that item which he has in his inventory.

11. Section 6.2 (g) is added to read as follows:

(g) *Persons who are retailers because an item is added to the foods covered by this order.* A person who, at the time an item is added to the foods covered by this order, regularly deals in that item and therefore becomes a wholesaler under this order, is not required to register. If he has more than one retail establishment, each of those establishments is to be treated as if it was separately registered.

12. Section 6.8 (b) is amended by inserting, between the second and third sentences, the following sentence:

In addition, at the time any item is added to or removed from the foods covered by this order, every retailer must keep a record of the amount, in pounds and point value, of that item which he has in his inventory.

13. Section 7.5 (a) is amended by inserting between the word "order" and the words "by groups" the words "on March 29, 1943".

14. Section 7.5 (d) is amended by deleting the word "If" and inserting in its place the words "Notwithstanding the provisions of paragraph (a), if".

15. The first sentence of section 7.6 (c) is amended by inserting between the word "foods" and the word "covered" the words "which were", and by inserting between the word "order" and the words "at his" the words "on March 29, 1943".

16. Section 7.6 (i) is added to read as follows:

(i) *Report of inventory of canned milk.* An industrial user who has canned milk in his inventory at the close of business

on June 1, 1943, must report the amount, in pounds and point value, when applying for his next allotment. The point value is computed by multiplying the total number of pounds by one point per pound. This amount shall be treated as excess inventory.

17. Section 7.9 (c) is added to read as follows:

(c) In addition, at the time any item is added to or removed from the foods covered by this order, every industrial user must keep a record of the amount, in pounds, of that item which he has in his inventory.

18. Section 11.15 is added to read as follows:

SEC. 11.15 *Items in transit on the day before they are added to the foods covered by the order, may be acquired point-free.* (a) No points need be given up for a delivery to any person other than a consumer, of an item which is added to the foods covered by this order, if the item was in transit to him on the day preceding such addition.

19. Section 15.4 (c) (3) is amended by inserting between the word "order" and the word "including" the words "on March 29, 1943".

20. Section 24.1 (a) is amended by inserting, between the definition of "canned fish" and the definition of "certificate", the following definition:

"Canned milk" means "concentrated milk" packed in hermetically sealed containers.

21. Section 24.1 (a) is amended by inserting, between the definition of "Cheddar cheese" and the definition of "consumer", the following definition:

"Concentrated milk" means the milk of a cow in liquid form, containing not less than 6 per cent of milk fat and not less than 16 per cent of total milk solids, whether or not sweetening, coloring matter, vitamins, disodium phosphate, sodium citrate, calcium chloride, or other stabilizers or flavoring or preservative agents have been added. Concentrated milk includes evaporated milk and condensed milk. (The quantity of milk fat is to be determined by the method prescribed under "Fat—Official", on page 280, and the quantity of total milk solids is to be determined by the method prescribed under "Total Solids—Official", on page 279, of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists", Fourth Edition, 1935.)

22. The first sentence of the definition of "Foods covered by this order" in section 24.1 (a) is amended to read as follows:

"Foods covered by this order" (or "foods" where the context indicates) means "meat", "canned fish", "rationed cheeses", "rationed fats or oils", or "canned milk".

This amendment shall become effective 12:01 a. m. on June 2, 1943.

NOTE: All reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8995; Filed, June 2, 1943; 5:23 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,¹ Amdt. 7 to Supp. 1]

MEAT, FATS, FISH AND CHEESES

The Official Table of Consumer Point Values (No. 2) (OPA Form R-1313), referred to in paragraph (a) of § 1407.3027, and filed with the Division of the Federal Register,² is amended by adding the following:

Evaporated or condensed milk has a point value of one point per pound. Each can is a separate item. However, only one point shall be charged for two or more cans if their total fractional point value is not more than one point. (For example, only one point is charged for two six ounce cans.)

This amendment shall become effective at 12:01 a. m. on June 2, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; W.P.B. Directive 1, 7 F.R. 562 and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 1st day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8998; Filed, June 2, 1943; 5:24 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[MPR 183,³ Amdt. 38]

PUERTO RICO, MEAT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.⁴

Maximum Price Regulation No. 183 is amended in the following respects:

1. Section 1418.14 (m) Table XIII is amended by adding a new item to read as follows:

⁵Copies may be obtained from the Office of Price Administration.

¹8 F.R. 3591, 3715, 3949, 4137, 4350, 4423, 4721, 4784, 4893, 4967, 5172, 5318, 5567, 5679, 5739, 5819, 5847, 6046, 6138.

²Filed with the Division of the Federal Register as part of the original document. Copies may be obtained from the Office of Price Administration.

³8 F.R. 4122, 4351, 4781, 4788, 5486, 5739, 5742, 5819, 5000, 6001, 6139, 6859, 6446, 6614, 6621, 6964.

	Sales to whole-salers	Sales at whole-sale	Sales at retail
Bacon, smoked, originating in the continental United States, commercial type....	Price per pound \$0.34	Price per pound \$0.38	Price per pound \$0.49

2. Section 1418.14 (s) Table XVIII is amended by adding a new item to category 1. after Canned Vienna Whole "Andrews" brand to read as follows:

	Sales to whole-salers	Sales at whole-sale	Sales at retail
Canned Vienna Whole "Libby" brand.....	Case of 48/4 oz. cans \$5.60	Case of 48/4 oz. cans \$6.20	Price per 4oz. can \$0.16

3. Section 1418.14 (x) Table XXI is amended to read as follows:

(x) Table XXI: Specific maximum prices for frozen pork loins.

	Sales to whole-salers	Sales at whole-sale	Sales at retail
Frozen Pork Loins, bone-in....	Price per pound \$0.30	Price per pound \$0.34	Price per pound \$0.44

This amendment shall become effective as follows:

(a) Sections 1418.14 (m) and 1418.14 (s) shall be effective May 31, 1943.

(b) Section 1418.14 (x) shall be effective June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 31st day of May 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8992; Filed, June 2, 1943; 5:27 p. m.]

PART 1418—TERRITORIES AND POSSESSIONS [MPR 373, Amdt. 4]

HAWAII, LIQUOR DRINKS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 373 is amended in the following respect:

Section 42, Table XXIX, is added to read as follows:

SEC. 42. Table XXIX: Maximum prices for liquor drinks.—(a) Definitions. When used in this Table XXIX, the term:

(1) "Drink" means a drink of not less than one ounce of liquor.

(2) "Mixed drink" means a drink containing not less than one ounce of

liquor mixed with an ingredient other than liquor. A drink served with a chaser is not a mixed drink.

(3) "Imported" means manufactured outside of the United States, its Territories or possessions.

(4) "Beer" means a glass or bottle of beer containing not less than 11 ounces of beer served for consumption on the premises where sold.

(5) "Liquor" means a distilled alcoholic beverage of not less than 80% proof.

(b) (1) Maximum prices for sales of the following drinks of liquor in the Territory of Hawaii shall be:

	Maximum price per drink
Scotch Whiskies:	
King's Ransom.....	\$0.40
Johnnie Walker Black Label.....	
Haig & Haig Pinch Bottle.....	
Ballantyne or Cutty Sark.....	
All other Scotch Whiskies.....	.35
Bourbon, Rye and Canadian Whiskies:	
Bourbon or rye whiskies which have been bottled in Bond.....	.35
Canadian Club or VVO Canadian Whisky.....	.35
All other Bourbon rye and Canadian Whiskies.....	.30
Rum:	
Imported.....	.35
Domestic (including Puerto Rican).....	.30
Brandies:	
Imported.....	.65
Domestic.....	.35
Gin: All gins.....	.20

(2) The maximum price for any drink not listed in this paragraph (b) hereof shall be determined upon application of the seller to the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H.

(c) Maximum prices for sales of the following mixed drinks in the Territory of Hawaii shall be:

	Maximum price per drink
Mixed drinks containing not less than one ounce of King's Ransom, Johnnie Walker Black Label, Haig & Haig Pinch Bottle, Ballantyne or Cutty Sark Scotch Whiskey.....	\$0.40
Mixed drinks containing not less than one ounce imported brandy.....	.65
Mixed drinks containing not less than one ounce of gin.....	.30
All other mixed drinks.....	.35

(d) Maximum prices for sales of beer served for consumption on the premises where sold in the Territory of Hawaii shall be:

	Maximum price per glass or bottle containing not less than 11 ounces of beer
Beer manufactured in the Territory of Hawaii.....	\$0.20
Beer manufactured in the continental United States.....	.25

(e) Clubs or non-profit associations. Any club or non-profit association may apply to the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H., for permission to sell liquor drinks at a price not in excess of the highest price for which such drinks were sold or offered for sale by such club or non-profit association on December 6, 1941.

(f) Evasion. (1) The limitations set forth in this Table XXIX shall not be evaded whether by direct or indirect methods.

(2) Specifically, but not exclusively, the following practices are prohibited:

(i) Serving or selling any drink in a glass or other container of a capacity of less than one fluid ounce;

(ii) Serving or selling any drink without filling to capacity with liquor the glass or other container in which it is served;

(iii) Measuring the liquor to be put into a mixed drink in a glass or other container of a capacity greater or less than one fluid ounce;

(iv) Diluting, cutting or mixing with another ingredient a liquor prior to its being served as a drink or its incorporation into a mixed drink;

(v) Charging a cover or service charge to a consumer. If such a charge was normally made on December 6, 1941, application may be made to the Office of Price Administration, Hawaii Territorial Office, Honolulu, T. H., for permission to continue to make a similar charge;

(vi) Refusing to sell a drink, mixed drink or beer except in connection with another commodity.

This amendment shall become effective as of May 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8996; Filed, June 2, 1943; 5:23 p. m.]

PART 1429—POULTRY AND EGGS [MPR 333, Amdt. 8]

EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 333 is amended in the following respects:

1. Section 1429.69 (d) is amended by adding to Table C of this section the following paragraph:

There is added to the maximum price for each procurement grade of eggs for each week set forth in Table C of this section as contained in the original regulation issued on February 25, 1943, the sum of 2.3 cents.

2. Section 1429.69 (e) is amended by adding to Table D of this section the following paragraph:

There is added to the maximum price for each procurement grade of eggs for each week set forth in Table D of this section as contained in the original regulation issued on February 25, 1943, the sum of 2.2 cents.

3. Section 1429.69 (f) is amended to read as follows:

(f) Maximum prices for consumer grades sold and delivered to the United

* 8 F.R. 2488, 3002, 3070, 3735.

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 5388, 6359, 6849.

States or any agency thereof. The maximum prices for shell eggs of consumer grades sold and delivered to the United States or any agency thereof shall be $\frac{1}{2}$ cent less per dozen than provided in § 1429.67.

This amendment shall be effective as of June 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 2d day of June 1943.

PRENTISS M. BROWN,
Administrator.

Approved:

JESSE W. TAPP,
Acting War Food Administrator.

[F. R. Doc. 43-8994; Filed, June 2, 1943;
5:23 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular 1554]

AMENDMENT OF PREFATORY NOTE

The prefatory note on pages 3 and 4 of Chapter I, Title 43 of the Code of Federal Regulations, is amended as follows:

On page 3 the paragraph under the head "Short titles" is amended to read:

SHORT TITLES. The following short titles are used: "Secretary," for Secretary of the Interior; "Commissioner," for Commissioner of the General Land Office; "register," for register of a district land office; "Branch of Field Examination," for Branch of Field Examination, General Land Office; "regional field examiner," for regional field examiner, Branch of Field Examination, General Land Office; "field examiner," for field examiner, Branch of Field Examination, General Land Office; and "Department," for Department of the Interior.

On page 4, after the two paragraphs which relate to public survey offices, add a new paragraph, as follows:

BRANCH OF FIELD EXAMINATION. The Branch of Field Examination maintains field offices, each in charge of a regional field examiner, as follows:

Region I: San Francisco, California, and a branch office at Anchorage, Alaska.
Region II: Billings, Montana.
Region III: Salt Lake City, Utah.
Region IV: Albuquerque, New Mexico.

Investigations in the following States are made under the direction of the Supervisor, Branch of Field Examination, Washington, D. C.:

Alabama, Arkansas, Florida, Illinois, Indiana, Louisiana, Michigan, Mississippi, Missouri, Wisconsin.

FRED W. JOHNSON,
Commissioner.

Approved: May 31, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8901; Filed, June 1, 1943;
2:34 p. m.]

[Circular 1556]

ADJUSTMENTS OCCASIONED BY REORGANIZATION OF DISTRICT LAND OFFICES IN ALASKA

As a result of the reorganization of the district land offices in Alaska, authorized by the act of October 9, 1942 (Pub. Law 735, 77th Cong., 2d sess.), the offices of ex officio register and ex officio receiver for the district land offices at Nome and at Fairbanks have been abolished.

All district land offices in Alaska are now in charge of a register or acting register. Accordingly, all sections in Chapter I of Title 43 of the Code of Federal Regulations which refer to the "register and receiver," the "receiver," or the "ex officio receiver," as officials of the district land offices in the Territory, are amended so as to designate the official in charge as the "register."

FRED W. JOHNSON,
Commissioner.

Approved: May 31, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8902; Filed, June 1, 1943;
2:36 p. m.]

[Circular 1553]

ADJUSTMENTS RESULTING FROM ESTABLISHMENT OF BRANCH OF FIELD EXAMINATION

In order to show the change in procedure resulting from the establishment by the Secretary of the Interior by Order No. 1639 of January 17, 1942, of a Branch of Field Examination in the General Land Office, all sections in Chapter I of Title 43 of the Code of Federal Regulations which were affected by the change, and which have not heretofore been corrected, are amended as follows:

The words "Division of Investigations," wherever they occur, are deleted, and the words "Branch of Field Examination" are substituted therefor.

The words "special agent in charge" and "special agents in charge," wherever they occur, are deleted and the words "regional field examiner" and "regional field examiners," respectively, are substituted therefor.

The words "special agent" and "special agents," wherever they occur, are deleted and the words "field examiner" and "field examiners," respectively, are substituted therefor.

FRED W. JOHNSON,
Commissioner.

Approved: May 31, 1943.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 43-8903; Filed, June 1, 1943;
2:34 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-196]

DEER CREEK COAL COMPANY

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

An order having been entered herein on April 30, 1943, after hearing, cancelling and revoking the code membership of B. A. Howard (Deer Creek Coal Company) and providing for the payment of a tax in the amount of \$104.38 as a condition precedent to restoration of code membership; and

Said order of cancellation and revocation having been duly served upon B. A. Howard on May 10, 1943 and B. A. Howard having filed with the Division on May 14, 1943, an application for restoration of his code membership; and

It appearing from said application and other information in the possession of the Division that B. A. Howard paid to the Collector of Internal Revenue on May 10, 1943 the sum of \$104.38 in accordance with said order of April 30, 1943.

Now, therefore, it is ordered, That said application of B. A. Howard, (Deer Creek Coal Company) filed May 14, 1943, for restoration of his code membership be, and the same hereby is, granted.

It is further ordered, That the code membership of B. A. Howard (Deer Creek Coal Company) be, and the same hereby is, restored as of the date it was revoked and cancelled.

Dated: June 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9006; Filed, June 3, 1943;
10:53 a. m.]

BAKER-WHILDIN COAL CO., ET AL.

ORDER REVOKING CERTAIN REGISTRATIONS

In the matter of the revocation of registrations as distributors of Baker-Whildin Coal Company, Best Coal Company, Inc., W. J. Boston & Company, Inc., K. B. Cornia (Deer Creek Coal Mining Company), The Crane-Veeder Company, Inc., Farmers Coal and Supply Company, The General Fuel & Supply Company, Hanover Lumber Yard (W. L. Limage), John B. Kausal Coal Company, Fred H. Paul (Paul Coal Company), J. H. Weaver and Company, The White Star Coal Company, Inc.

The registered distributors, whose names are set forth in Exhibit A, attached hereto and made a part hereof, having requested revocation of registra-

tion, having discontinued or disposed of their distribution business, having been reorganized under a new name, having been otherwise succeeded in their business or for other reasons being no longer engaged in business, the registrations previously granted to them should be

revoked and their names withdrawn from the List of Registered Distributors. Accordingly, *It is so ordered.*

Dated: June 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

EXHIBIT A

Registration No. and name	Address
0387 Baker-Whildin Coal Co.	11000 Hern Ave., Detroit, Mich.
0734 Best Coal Company, Inc.	Box 323, Hudson, N. Y.
0945 W. J. Boston & Co., Inc.	Park Square Bldg., Boston, Mass.
2209 K. B. Cornia (Deer Creek Coal Mining Co.)	721 McIntyre Bldg., Salt Lake City, Utah.
1942 The Crane-Veeder Co., Inc.	131 Edison Ave., Schenectady, N. Y.
2873 Farmers Coal & Supply Co.	Box 454, Maysville, Ky.
3406 The General Fuel & Supply Co.	2104 9th St., Portsmouth, Ohio.
3985 Hanover Lumber Yard (W. L. Limage)	Hanover, Ill.
4954 John B. Kausal Coal Co.	1005 S. Kildare Ave., Chicago, Ill.
7183 Fred H. Paul (Paul Coal Co.)	501 West Barner St., Frankfort, Ind.
9495 J. H. Weaver & Co.	1617 Pennsylvania Blvd., Philadelphia, Pa.
9664 The White Star Coal Co., Inc.	420 Lexington Ave., New York, N. Y.

[F. R. Doc. 43-9007; Filed, June 3, 1943; 10:53 a. m.]

[Docket No. 325-FD]

J. H. WISECARVER

MEMORANDUM OPINION AND ORDER OF THE DIRECTOR

On October 23, 1942, after due notice and hearing, Charles O. Fowler, a duly designated Examiner of the Division, submitted a Report in which he recommended that the application for exemption from the provisions of the Bituminous Coal Code made by J. H. Wise-carver should be denied. The Examiner found that applicant had not demonstrated that coals produced by him at his mine located in Sonora, Ohio, R. F. D. No. 1, in District 4, did not affect interstate commerce in bituminous coal and that it had not been established that the coals should be exempt, pursuant to section 4-A of the Bituminous Coal Act of 1937.

An opportunity was afforded to all parties to file exceptions to the Examiner's Report but no exceptions have been filed. I have considered the Report and I believe that the Examiner's conclusions are substantially in accord with principles recently reiterated by me in such cases as matter of the application of Railroad Fuel Company, Dockets Nos. 476-FD and 622-FD.

Upon the basis of the proposed findings of fact, proposed conclusions of law and recommendations of the Examiner set forth in his Report, and upon the entire record in this proceeding:

It is hereby ordered, That the proposed findings of fact and the proposed conclusions of law of the Examiner are approved and adopted as the findings of fact and conclusions of law of the Director.

It is further ordered, That effective fifteen (15) days from the date of this order the application of J. H. Wise-carver for exemption is denied.

Dated: June 2, 1943.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 43-9008; Filed, June 3, 1943; 10:53 a. m.]

No. 110—7

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

TEXAS

DESIGNATION OF LOCALITIES FOR LOANS

Designation of localities in county in which loans, pursuant to Title I of the Bankhead-Jones Farm Tenant Act, may be made.

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, as extended by Supplement 2 of Secretary's Memorandum No. 867 issued as of July 1, 1942, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION VIII

TEXAS

Franklin County

Locality I, consisting of Precinct 1...	\$2,756
Locality II, consisting of Precinct 2...	2,332
Locality III, consisting of Precinct 3...	1,601
Locality IV, consisting of Precinct 4...	1,545

The purchase price limit previously established for the county above mentioned is hereby cancelled.

Approved June 1, 1943.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 43-9012; Filed, June 3, 1943; 11:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6512]

UNITED STATES GOVERNMENT TELEGRAMS
NOTICE OF POSTPONEMENT OF HEARING

In the matter of rates for United States Government telegrams under the Post Roads Act of 1866.

You are hereby notified that the Commission at its regular session on June 1, 1943, directed that the hearing in the above-entitled proceeding, heretofore scheduled to begin at ten o'clock a. m. on June 9, 1943, be postponed until ten o'clock a. m., June 16, 1943.

[SEAL] FEDERAL COMMUNICATIONS
COMMISSION,
T. J. SLOWIE, Secretary.

[F. R. Doc. 43-9010; Filed, June 3, 1943; 11:10 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-464]

KANSAS-NEBRASKA NATURAL GAS COMPANY,
INC.

ORDER FIXING DATE OF HEARING

JUNE 1, 1943.

Upon application filed April 13, 1943, by Kansas-Nebraska Natural Gas Company, Inc., a Kansas corporation having its principal place of business in Phillipsburg, Kansas, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing its construction and operation of approximately 30 miles of natural gas pipe line and appurtenant facilities extending from its gas compressor station near Holcomb, Finney County, Kansas, northwardly to its compressor station near Scott City, Scott County, Kansas:

The Commission Orders, That:

(A) A public hearing be held commencing on June 22, 1943, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue NW., Washington, D. C., respecting the matters involved and the issues presented in this proceeding;

(B) Interested State commissioners may participate in this hearing as provided in § 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 43-9009; Filed, June 3, 1943; 11:00 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 2 Under § 1499.19 of GMPR]

SALES BY MANUFACTURERS OF WIREBOUND
BOXES AND CRATES

ORDER GRANTING ADJUSTABLE PRICING

For the reasons set forth in an opinion accompanying this order, issued simultaneously herewith, and filed with the Division of the Federal Register, *It is ordered:*

(a) The price of wirebound boxes and crates, in sales by manufacturers, may be made adjustable to the maximum prices to be issued by the Office of Price Administration.

(b) This order may be amended or revoked by the Price Administrator at any time.

The effective date of this order shall be June 3, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 2d day of June, 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8989; Filed, June 2, 1943;
4:54 p. m.]

[Order 392 Under MPR 188]

MANUFACTURERS OF NEW ICE BOXES

TAGGING REQUIREMENT

Order No. 392 under § 1499.159 (b) of Maximum Price Regulation No. 188—Manufacturers' Maximum Prices for Specified Building Materials and Consumers' Goods Other Than Apparel.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, It is ordered:

(a) *Tagging requirement in connection with the sale of new ice boxes.* Every manufacturer of an ice box shall securely attach to each ice box manufactured by him a durable tag or label indicating the make or brand name, the model and the ice capacity of the refrigerator. The tag shall also contain the

words "ceiling price" followed by a blank space and the words "selling price" followed by a blank space. A tag in the following form is satisfactory (with the blanks after "Make or brand," "Model", and "Ice Capacity" filled):

Make or brand.....
Model..... Ice capacity.....
Ceiling price.....
Selling price.....

The tag must be attached to the ice box prior to its delivery to the buyer.

(b) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective June 4, 1943.

Issued this 2d day of June 1943.

GEORGE J. BURKE,
Acting Administrator.

[F. R. Doc. 43-8990; Filed, June 2, 1943;
4:54 p. m.]

WAR PRODUCTION BOARD.

NOTICE TO BUILDERS AND SUPPLIERS OF ISSUANCE OF REVOCATION ORDERS REVOK- ING AND STOPPING CONSTRUCTION OF CER- TAIN PROJECTS

The War Production Board has issued certain revocation orders listed in Schedule A below revoking preference rating orders issued in connection with, and stopping the construction of the projects affected. For the effect of each such order upon preference ratings, construction of the projects and delivery of materials therefor, the builder and suppliers affected shall refer to the specific order issued to the builder.

Issued June 2, 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Preference rating order	Serial No.	Name and address of builder	Project affected	Date of issuance of revocation order
P-19-h.....	15643	Bonneville Power Administration, North Interior Bldg., Washington, D. C.	Construction of a 3 mile transmission line in the State of Washington.	May 15, 1943
P-19-h.....	77617	Northern States Power Co., Minneapolis, Minn.	Installation, construction, and equipment of gas main, service pipe, and metering equipment, St. Paul, Minn.	May 22, 1943

[F. R. Doc. 43-8980; Filed, June 2, 1943; 3:56 p. m.]